THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

REFERENCE ONLY

PARL. PAPERS
FOR REFERENCE ONLY.

GURNEY
WOODSTOCK ST W

University of London

Presented by
the Worshipful Company
of Goldsmiths.
1903.

619887

HANSARD'S DEBATES.

Digitized by the Internet Archive
in 2026

https://archive.org/details/parliamentary-debates_may-july-1833_18

HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XVIII.

COMPRISING THE PERIOD FROM
THE THIRTIETH DAY OF MAY,
TO
THE FIRST DAY OF JULY, 1833.

Fourth Volume of the Session.

LONDON:

Printed by T. C. HANSARD, *Pater-noster-Row,*
FOR BALDWIN AND CRADOCK; J. BOOKER; LONGMAN, REES, ORME, AND CO.;
J. M. RICHARDSON; PARBURY, ALLEN, AND CO.; J. HATCHARD AND SON;
J. RIDGWAY; E. JEFFERY AND SON; J. RODWELL; CALKIN AND BUDD;
R. H. EVANS; J. BOOTH; AND T. C. HANSARD.

1833.

TABLE OF CONTENTS

TO

VOLUME XVIII,

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. Lists of Divisions in Both Houses.
IV. King's Messages.

◆

I. Subjects of Debate in the House of Lords.

1833.		*Page*
May 30.	ABOLITION of Slavery—Petitions	102
	Payment of Debts — Bill to ensure the Payment of simple Contract Debts out of Real Estates, read a second time ..	104
	Inheritance Bill—read a second time—Complaint of the manner in which the Bills relative to real property had been passed	106
31.	Game Laws—Petitions—Complaints of the last Game Act ..	166
	Colonel Fitzgerald—Reason for removing him from the Magistracy of Ireland	167
	Sunday Newspapers—Petitions against them	168
June 3.	Breach of Privilege—Complaint made by the Earl of Roden of the "Times' Newspaper"	237
	Relations with Portugal—Motion by the Duke of Wellington for an Address to the Crown to preserve neutrality with Portugal—Motion carried—List—The Division, &c. ..	238
4.	Colonial Slavery—Petitions	360
6.	Answer to the Address relative to Portugal	379
	Irish Church Temporalities Bill—Petitions	379
7.	Abolition of Slavery—Petition	446
11.	Local Jurisdiction—Bill for establishing Local Courts, read a second time	554
13.	Breach of Privilege—Complaint made by the Marquess of Westmeath of the "Dublin Evening Mail"	661
	Employment for Agricultural Labourers—Bill for this purpose, read a second time	664

Page
14. Limitation of Actions—Bill committed *pro forma*—Explanation of the provisions and objects of the Bill 790
17. East-India Charter—Resolutions adopted by the Commons communicated to the Lords—Conference 851
Political Unions—Question by the Earl of Winchilsea as to suppressing these Unions 852
Local Jurisdiction—Bill for establishing Local Courts—committed 857
18. St. Luke's Vestry Bill—Bill thrown out 954
19. East-India Company's Charter—Questions by Lord Ellenborough 991
20. Ministerial Plan for the Abolition of Slavery—Resolutions agreed to in the Commons—Communicated to the Lords in Conference 1014
Quakers and Moravians—Bill to release them from the necessity of taking oaths, read a second time 1015
21. French Occupation of Algiers—Questions by the Earl of Aberdeen 1026
Collection of Tithes (Ireland)—Motion by the Earl of Wicklow for a return of all sums collected by Government on account of Tithes 1037
Local Jurisdiction—Bill for establishing Local Courts recommitted *pro forma* 1062
24. Local Jurisdiction—Bill for establishing Local Courts recommitted, &c. 1105
25. Ministerial Plan for the Abolition of Slavery—Resolutions of the Commons which had been communicated to the Lords agreed to—Protest by the Duke of Wellington .. 1163
28. Law Commission (Scotland)—Question by the Earl of Aberdeen 1285
Local Jurisdiction—Bill for establishing Local Courts further discussed in Committee 1286
July 1. Education (Ireland)—Petition from the General Assembly of Scotland 1355

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

May 21. State Pensioners—Motion for Returns—Amount of Money paid for Pensions, &c. 2
House and Window Taxes—Motion by Sir Samuel Whalley to repeal them—Division—Lists, &c. 15
Bristol Election—Petition—Motion that the Evidence taken before the Committee be laid on the Table—Division .. 33
22. Defects in the Reform of Parliament Act—Motion by Mr. Tooke to appoint a Select Committee, to consider 2 Will. IV. c. 45 and report to the House the necessary Amendments—Division—List, &c. 36
Emancipation of the Jews—Second Reading of the Bill to remove Disabilities from the Jews—Division-Lists, &c .. 47
23. Post Office Packets—Petition 62
Trade of the Port of London—Petition—The Trade decaying 63

1833. Page

May 24. Poland—Slavery—Petitions 65
Slavery—Petition 66
Hertford Election—Resolution moved by Mr. Bernal, that the corruption which had prevailed at the last Election deserved the serious consideration of the House—Division .. 68
Vote by Ballot—Motion to appoint a Select Committee, to inquire into the means of preventing Bribery at Hertford—Amendment that the Elections be by Ballot—Committee appointed 94
Carrickfergus Election—Motion for Leave to bring in a Bill to disfranchise Carrickfergus, on account of Bribery—Leave given 96

30. Poor Laws (Ireland)—Petition 108
Abolition of Slavery—Petitions 109
Ministerial Plan for the Abolition of Slavery—Resolutions moved by Mr. Secretary Stanley—considered in Committee, and to be considered again—Second day .. 112

31. Renewal of the Bank Charter—Committee on the Bank Act—Explanation by Lord Althorp of the Government Plan for the renewal of the Charter—Resolutions moved by Lord Althorp, to carry that plan into effect—Committee to sit again 169
Ministerial Plan for the Abolition of Slavery—Resolutions considered in Committee—To be considered again—Third day—Amendments moved by Mr. Godson 204

June 3. Welch Church—Petition—Complaint that the Livings in Wales are not given to those who understand the Welch language 300
Relations with Portugal—Questions by Colonel Evans .. 303
Factories Commission—Questions by Lord Ashley .. 305
Ministerial Plan for the Abolition of Slavery—Resolutions further considered in Committee—Fourth day—Amendments by Lord Sandon, Sir Robert Peel, and others .. 308

4. Case of Mr. Beamish—Petition complaining of Mr. Beamish having been dismissed from the Navy Pay Office .. 372
Foreign Policy—Question by Lord Ebrington as to the course meant to be pursued by Ministers, in consequence of the vote of the House of Lords 376
China Trade—Resolution to be proposed by Sir George Staunton 377

6. Collection of Tithes (Ireland)—Question by Mr. Henry Grattan 388
Relations with Portugal—Motion by Colonel Davies for an Address to the Crown, regretting the continuance of Hostilities in Portugal, and expressing gratitude at his Majesty's policy—Division, &c. 391
Channel Fisheries—A Select Committee appointed to inquire into them 444

7. Factories' Regulation Bill—Petition 447
Collection of Tithes (Ireland)—Motion for a Return—Inefficiency of the Law to enforce the Collection of Arrears of Tithes 447
Ministerial Plan for the Abolition of Slavery—Resolutions again considered in Committee—Fifth Day—Amendments proposed by Mr. Buckingham and others 458

1833. Page

June 10. Charge against Sir Thomas Troubridge—Petition accusing that officer of obtaining promotion by false certificate, &c. Debate on the Petition adjourned 510
Portugal—King's Answer to the Address 515
Ministerial Plan for the Abolition of Slavery—Resolutions further considered in Committee—Sixth day—Amendments by Mr. Fowell Buxton and others—Divisions, &c.. 515
Roman Catholic Marriages—Bill to legalize these marriages ordered to be brought in 553

11. Charge against Sir Thomas Troubridge—Adjourned Debate—Petition containing the charge rejected 555
Kingston Railway—Appeal—Conduct of the Committee on this Bill complained of 566
Ministerial Plan for the Abolition of Slavery—Resolutions further considered in Committee—Amendment not to give so much as 20,000,000*l.*—Division 573

12. Enforcement of Tithes (Ireland)—Complaint of the manner in which Tithes are levied in Ireland 599
Counsel to Prisoners—Second reading of the Bill postponed 607
Robberies in Dwelling Houses—Bill to abolish the Punishment of Death for this crime Reported 613
Tithes (Ireland)—The Coercive Law—Motion by Mr. Lambert for the House to declare, that it is inexpedient to apply this Law to levy Tithes in Ireland—Division—Lord Althorp's explanation of his Plan to advance money to the Irish Clergy 622

13. Inquest on Culley—Petition from a Coroner's Jury whose verdict had been set aside—Conduct of the Police in suppressing the National Convention—Meeting in Cold Bath-fields—Debate adjourned 679
East-India Company's Charter—Committee—Resolutions moved by Sir George Staunton—Explanation of the Plan for the future Government of India and the Renewal of the Charter 698
Imprisonment for Debt—Bill to abolish Imprisonment for Debt, brought in and read a first time 785

14. Inquest on Culley—Cold Bath-fields affray—Petition from Jurymen whose verdict had been set aside—Adjourned Debate 797
Arrears of Tithes (Ireland)—Committee on the subject—Preliminary discussion as to the mode of levying Tithes in Ireland—Resolution to grant a sum of money to the clergy for the arrears of Tithes agreed to—Division, &c.—List .. 811

17. Triennial Parliaments—Petition—Notice of a Motion on the subject 903
Sugar Refining—Petition—State of this branch of business 909
Apothecaries' Petition 912
Poor Law Commissioners—Petition from Horsham, complaining of their Report 913
Factories—Bill read a second time 914
Church Temporalities (Ireland)—Committee on this Bill—Clauses to 38 agreed to 954

18. Corporation of Boston—Petition 956

1833. Page
Claims on the Danish Government—Petition—Debate adjourned 961
Qualifications under the Reform Act—Motion for leave to bring in a Bill to amend the Act—Divisions, &c. .. 961

June 18. Corn Laws—Motion for leave to bring in a Bill to amend the Corn Laws—Division—Lists, &c. 964
Observance of the Sabbath (Scotland) Motion for leave to bring in a Bill to amend the Laws relative to the Observance of the Sabbath (Scotland)—Division—Lists, &c. .. 977
Prisoners in Cork Gaol—Motion for Returns .. 979
Church Temporalities (Ireland)—Bill further considered in Committee—Second Day 981

19 St. George Steam-Packet Company—Bill read a third time .. 993
Claims on the Danish Government—Adjourned Debate .. 997
General Registry — Motion for the second reading of the Bill—Divisions—Lists—Bill thrown out 1001
Separatists' Affirmations—Bill read a second time .. 1011
Church Temporalities (Ireland)—Bill further considered in Committee—Third Day 1012

20 House and Window Tax—Petition 1019
Universal Suffrage—Petition 1024

21. Church Temporalities (Ireland)—Bill further considered in Committee—Fourth Day—Omission of the 147th Clause—Divisions, &c. 1065
Warwick Election—Select Committee appointed to consider the Report of the Committee on the Warwick Election Petition 1102

24. Licensing Magistrates—Petition of William Spicer against certain Magistrates of Middlesex 1129
Corn Laws, Currency, and Assessed Taxes—Petitions from the New Hall Hill Meeting, &c. 1130
Church Temporalities (Ireland)—Bill further considered in Committee—Fifth Day—Amendment, and Division .. 1135
Sheriffs' Expenses—Bill to provide for these Expenses thrown out 1163

25. Flogging in the Army—Announcement by the Government that it was intended to issue an Order to limit Flogging .. 1229
Juries (Ireland)—Motion for a Copy of the Correspondence between the Secretary for Ireland, and the Judges, relative to Juries—Motion withdrawn 1231
Church Temporalities (Ireland)—Bill further considered in Committee—Sixth Day 1234

26. Marriages by Roman Catholic Priests—Bill to relieve these Priests from Penalties, read a second time 1239
Royal Burghs (Scotland) — Bill in Committee — Various Amendments proposed—Several Divisions .. 1243
Emancipation of the Jews—Bill Committed—Various Amendments—Divisions 1251

27. Employment of Spies—Petition—Case of the Policeman Popay 1254
Political Unions—Resolutions to declare those Unions Illegal moved by Mr. Finch—Division, Lists, &c. .. 1263
Poor Laws (Ireland)—Motion by Mr. Halcombe—House counted out 1282

1833. Page

June 28. Dublin Steam Packet Company—Third reading of the Bill—Debate Adjourned 1292
Joint Stock Banks—Petition 1300
Newspapers—The Post Office—Complaint of the mode adopted at the Post Office in Transmitting Newspapers—Petition .. 1302
Church Rates—Question whether the Dissenters are to be relieved from the Payment of them in England .. 1305
Bank of England Charter—Committee on the Bank Charter Acts—Second Day—Resolutions of the Government—First Resolution—Amendments—Division .. 1306
Simple Larceny—Second reading of the Bill—Bill thrown out 1354

July 1. Spies—Case of Popay—Explanation by Lord Althorp .. 1359
Bank of England Charter—Committee on the Bank of England Charter Acts—Third Day—Resolutions of the Government—Amendment proposed—Second and Third Resolutions—Division, &c. 1361

III. LISTS OF DIVISIONS.

May 21. The Ayes on Sir Samuel Whalley's Motion, to Abolish the Taxes on Houses and Windows, on October 5th, 1833 .. 32
22. The Ayes on Mr. Warburton's Amendment, to Mr. Tooke's Motion to appoint a Committee to Inquire into the Defects of the Reform of Parliament Act 46
The Ayes on the Motion that the Bill for the Relief of the Jews be read a second time 59
The Noes on the same Motion 61
24. The Noes on a Resolution moved by Mr. Bernal, that the Bribery and Corruption which had prevailed at Hertford last Election deserved the Serious Consideration of the House 93
June 3. Contents on the Duke of Wellington's Motion to Address the King on the Subject of Portugal 298
Not-Contents on the same Motion 299
6. The Noes on Colonel Davies's Motion for an Address to the Crown, approving of the Conduct of the Government in Relation to Portugal 444
10. The Ayes on the Amendment, that "for Wages" be inserted in the Resolution relative to the Abolition of Slavery .. 547
11. The Ayes on Mr. Briscoe's Motion to substitute 15 for 20 millions as a Compensation to the West-India Planters .. 598
The Noes on the Question that 20 millions be granted as a Compensation to the West-India Planters 598
12. The Ayes on the Question that the Counsel to Prisoners Bill be read a second time 609
The Ayes on Mr. Lambert's Motion, for the House of Commons to declare that the Coercion Act should not be applied to the Collection of Tithes 659
14. The Noes on the Resolution for granting a Sum of Money to the Irish Tithe-Owners, in lieu of the Arrears of Tithes .. 850

1833. Page

June 18. The Ayes on Colonel Evans's Motion for leave to bring in a Bill to amend the Reform Act 964

The Ayes on Mr. Fryer's Motion for leave to bring in a Bill to amend the Corn Laws 976

The Noes on Sir Andrew Agnew's Motion for leave to bring in a Bill to amend the Laws relative to the Observance of the Sabbath (Scotland) 978

19. The Ayes and the Noes on the Motion that the General Registry Bill be read a second time 1010

21. The Ayes on the Question that the 147th Clause stand part of the Church Temporalities (Ireland) Bill 1098

The Noes on the same Question 1100

24. The Ayes on Mr. O'Connell's Amendment in Committee on the Church Temporalities (Ireland) Bill, to repeal the 7th George 4th relating to Vestries (Ireland) 1152

26. The Ayes on Mr. Wallace's Motion in Committee on the Royal Burghs (Scotland) Bill, to enable the Burgesses to elect the Magistrates 1245

The Ayes and Noes in Committee on the same Bill to reduce the Franchise from 10*l.* to 5*l.* 1248

The Ayes in the same Committee on the Motion to admit Burgesses to concur in the Election of Magistrates .. 1250

The Ayes in the same Committee, on the Motion that persons having votes should be Burgesses 1251

The Ayes on the Motion that the House adjourn instead of going into a Committee on the Emancipation of the Jews Bill 1251

The Ayes on the Motion that the Debate on the same subject be Adjourned for six months 1252

The Ayes on a Motion in Committee on this Bill to exclude Jews from Parliament 1253

27. The Ayes on a Resolution moved by Mr. Finch, that Political Unions are Illegal, &c. 1281

The Noes on the same Question 1282

28. The Ayes on Colonel Torrens's Motion, to postpone the consideration of the Bank Charter for another Session .. 1353

July 1. The Noes on the Resolution in the Committee on the Bank Charter Acts relative to making Bank of England Notes a legal tender 1400

IV. KING'S MESSAGES.

June 6. In Answer to the Address from the Lords relative to the policy pursued as to Portugal 379

10. Answer to the Address from the Commons relative to the policy pursued with regard to Portugal 515

HANSARD'S

HANSARD'S

Parliamentary Debates

During the FIRST SESSION *of the* ELEVENTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
29th January, 1833,
in the Third Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Fourth Volume of the Session.

HOUSE OF LORDS,
Monday, May 21, 1833.

MINUTES.] Petitions presented. By Lord DUNDAS, from Langburgh, for giving to the Wapentake Court Power by the Local Jurisdiction Bill to take cognizance of Debts to such Amount as may seem fit; and from the Shipowners of Grangemouth, Frith of Forth, for an Inquiry into the Causes of the Distress of the Shipping Interest.—By Lord LYNDHURST, from several Places, against the Local Jurisdiction Bill.—By Lord WYNFORD, from Barton-upon-Humber, for giving to the Court of Requests there a concurrent Jurisdiction with the Courts to be Established under the Local Jurisdiction Bill.—By the Earl of STRADBROKE, from Woodbridge; by Lord CARBERY, from Carrigaline; and by Lord BEXLEY, from Llanwdyn,—for the Better Observance of the Sabbath.—By Lord BARHAM, from Kirkintilloch, for an Alteration in the present System of Church Patronage in Scotland.—By the Earl of STRADBROKE, from Halesworth, for the Means of more Easily Recovering Small Debts.—By the Marquess of WESTMINSTER, Lord SUFFIELD, and the Bishop of BATH and WELLS, from a great Number of Places,—for the Abolition of Slavery.—By the Archbishop of CANTERBURY, from the Presbytery of Dumblaine, against the Irish Church Temporalities Bill.

* * *

HOUSE OF COMMONS,
Tuesday, May 21, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. F. O'CONNOR, the Number of Persons committed to Prison for Non-payment of Fines imposed by Magistrates at Petty Sessions within the last Twelvemonths in the County of Cork, and the Books in which all Cases determined at Petty Sessions in the West Riding of the County of Cork are entered, with the Names of the Magistrates usually attending.—On the Motion of Mr. FREDERICK SHAW, Statements relating to the Composition of Tithes under the 2nd and 3rd of William 4th, cap. 119.

Bill. Read a second time:—Starch Duties.

Petitions presented. By Mr. INGHAM, from the Shipowners of South Shields, for an Inquiry into the Cause and Extent of the Distress of the Shipping Interest.—By Mr. W. GLADSTONE, from Edinburgh, against the Immediate Abolition of Slavery.—By Mr. HUME, Mr. J. FENTON, and Mr. BRISCOE, from several Places,—against Slavery. By Colonel WOOD, from Crickhowell, for the Repeal of the Sale of Beer Act.—By Sir W. INGILBY, from Gainsborough, for granting to the Inhabitants the Right to Elect their own Municipal and Local Authorities.—By Mr. AGLIONBY, from Hannington, against the Renewal of the East-India Charter.—By Mr. HUME, from several Places in Ireland, against Tithes and Church Rates; from Holt, against the Lord's Day Observance Bill; and from Inverberry, for Alterations in the Royal Burghs (Scotland) Bill.

STATE PENSIONERS.] Mr. *Harvey,* in rising to submit a motion to the House on the subject of the pensions paid out of the Civil List, said, that his object was to put this question distinctly to the House, whether any portion of the public money was to be received by any persons of either sex, for which some known and adequate service had not been rendered. That was the simple point on which he wished to take the opinion of the House, and he had no intention to touch on any other subject. He did not mean to attack either military or naval sinecures, for he knew, that if he did, he should have all the heroes in that House rising up against him, and asking whether the House was prepared to sacrifice, on mercenary grounds, men who had risked their lives in defence of their country, and who were associated with the brightest periods of our history. His Motion, therefore, would be confined solely to the pensions on the Civil List; but he trusted that the hon. member for Middlesex would not suffer the first Session of the Reformed Parliament (whose commencement, he could not avoid saying, had been most gloomy and disheartening) to pass over, without moving an inquiry into the nature and extent of all our payments, whether consisting of half-pay, retired pensions, superannuations, or of any of the various and ingenious contrivances by which the people of this country were defrauded of their money. It was only by a review of all these various items of expenditure, that the House could hope to discover the means of reduction to any great extent. Such an inquiry would be found a most fruitful source of economy; and the question he was now submitting to the House being a branch of that extensive inquiry, was, in his opinion, a most appropriate forerunner of the motion about to be brought forward that night by the hon member for Marylebone, because it would point out one way by which the deficit in the revenue caused by the repeal of the Assessed-taxes might be supplied. The noble Lord opposite, and his colleagues, had honourably consented to a deduction of ten per cent from their salaries; and he would venture to say, that if the same deduction were made from the pensions on the Civil List, and from all the payments which came under the head of "half-pay," "superannuations," and "sinecures," a more than sufficient sum would be realized to meet the loss occasioned by the repeal of the Assessed-taxes. He held in his hand a statement of the annual expenditure of the United Kingdom, in salaries, pensions, sinecures, half-pay, superannuations, compensations, and allowances; and he believed, that the only reason why it had been allowed to go on, was, that the country was totally ignorant of its amount. The annual sum paid under those various and confused heads exceeded 9,000,000*l.* sterling; and the following was a detailed Account of the Expenditure:—

	£
Salaries of 22,912 persons employed in the public offices	2,788,907
Retired full-pay, half-pay, superannuations, pensions, and allowances in the army	2,939,652
Retired full-pay, half-pay, superannuations, pensions, and allowances in the navy	1,583,797
Retired full-pay, half-pay, superannuations, pensions, and allowances in the ordnance	374,987
Superannuated allowances in the civil departments of government ..	478,967
Pensions	777,556
Pensions in the nature of compensations for the loss of offices in England	12,020
Pensions in Ireland, chiefly in consequence of the union	89,245
Annual value of sinecure offices ..	356,555
Commissioners of inquiry ..	56,299
	£9,457,985

He was ready to admit, that Government had gone to a considerable extent in reducing the amount of the above expenditure; but allowing for all they had done in that way, he might with safety state, that the payments exceeded upwards of 8,000,000*l.* Besides this, he held in his hand a

Classification of 956 Placemen and Pensioners, whose Salaries, Profits, Pay, Fees, and Emoluments, exceeded, Jan. 5, 1830, 1,000*l.* per annum, which was as follows:—

No. of Officers.	Description.	Total Emoluments.	Average Income.
		£.	£.
350	Civil Officers	698,805	1,997
50	Court of Chancery.........	137,216	2,744
112	King's Bench and other Judicial Officers	338,651	3,023
100	Ambassadors and Consuls .	256,780	2,567
134	Military Officers	240,847	1,794
36	Ordnance and Artillery....	50,165	1,390
19	Naval Officers	39,835	2,076
147	Colonial Officers	378,996	2,578
8	Officers of the House of Commons	20,642	2,567
956		2,161,927	

Here, then, was an ample field for the operations of a judicious economy. Disregarding all technical objections, as to whether the pensions were placed on the Consolidated Fund, or on the Civil List, he would come to the facts of the case at once, and he found that the Pension List at present amounted to 150,000*l.*, charged on the Civil List and the Consolidated Fund in England and Ireland, and the Hereditary Revenues of Scotland. Previous to Mr. Burke's celebrated speech, which gave birth to the 22nd Geo. 3rd, the Crown had no other restraint on its liberality, than the sense of shame. That statute restricted the power of the Crown to grant pensions within certain limits. Since that period, several attempts had been made to get at the motives for which these pensions were granted, but they had always been resisted, on the ground that the Civil List was a sacred fund, set apart for the purpose of enabling the Monarch to relieve those unfortunate individuals who might merit his grace and commiseration. The authors of those unsuccessful motions, consoled themselves with the hope, that when a new Monarch ascended the Throne, these things would come under the revision of the House. Such was the state of things, when the noble Lord opposite opened the Civil List. The noble Lord's predecessor had proposed that the whole amount of the Civil List, English, Scotch, and Irish, should be 144,000*l.* The noble Lord's plan extended the sum to 150,000*l.*; 75,000*l.* being placed on the Civil List, and the remainder being transferred to the Consolidated Fund; so that the latter payments, as they fell in, might come under the control of the House. When the noble Lord's proposition was explained, many Gentlemen, and he (Mr. Harvey) among the number, wished it to be understood, that in giving their sanction to the arrangement, they should not be precluded from any future inquiry into the circumstances which gave rise to those pensions. What, then, was the nature of those pensions? He found that, in 1829, the hon. member for Middlesex, who by his indefatigable industry had smoothed the road of investigation for all who came after him, moved for a Return of the names only of persons receiving pensions from the Civil List; and the noble Lord opposite supported the Motion, on this undeniable ground—that the administration of the public money, in whatever hands it might be placed, ought to be a responsible administration; and the noble Lord, with that straightforwardness which always characterized his conduct on the Opposition side of the House, asked how it was possible for them to impeach the propriety of the pensions unless they knew the parties to whom they were given. The House had now that Return in their possession, and he wished to follow it up by another inquiry; for what was the use of having the names, unless they also had the considerations for which the money was given? He held in his hand a return of persons receiving pensions on the Civil List of England, Scotland, and Ireland, including the four and half per cent duties, which last only amounted to 21,000*l.*, and it was singular enough to observe the great disproportion which the female world had in the share of the money. The number of pensioners amounted to 1,303, 1,022 of whom belonged to the fair sex. There were 208 persons with titles of distinction on the list, of whom 124 were ladies. He had made out a classification of these persons, which he would take the liberty of communicating to the House. The hon. Gentleman read the following table:—

Return of Pensions on the Civil List of England, Scotland, and Ireland, and on the 4½ per Cent Duties.

	Gross Number.	Males.	Females.
England	417	95	322
Scotland	364	47	317
Ireland	477	123	354
4½ per Cent Duties	45	16	29
	1,303	281	1,022

Persons with Titles of Distinction.

	Gross Number.	Males.	Females.
England	73	29	44
Scotland	56	19	37
Ireland	59	30	29
4½ per Cent Duties	20	6	14
	208	84	124

The object of the Motion with which he intended to conclude was, to obtain a return of the considerations for which these various grants were made, and when he observed the number of ladies on the list, and recollected the many scandalous cheap publications which had lately been circulated in the metropolis, insinuating that these "considerations" were of a nameless description, he could not but think that it would be an insult to those fair recipients to suppose that they could have any objection to a Motion which gave them the opportunity of showing the substantial nature and character of the services they had rendered. He preferred obtaining the information he desired by means of a Return, rather than through a Committee of Inquiry, from a feeling of delicacy which he thought the House would at once recognize. To say nothing of the inconveniences attending a Committee of Inquiry, he could not help thinking there would be great indelicacy in calling before it no less than 1,022 ladies at this season of the year. He therefore preferred conveying the wishes of the House to them through that courteous medium of communication by which the orders of the House were usually transmitted. There was another branch of expenditure, which showed how the people of this country were oppressed. In looking over the Civil List he was surprised to find that pensions were given to the servants of his late Majesty, consisting, of course, of the domestics of the household.

The number of these servants was 198, and the amount of money they received 14,446*l.* It was in such things as these that was to be traced the origin of that growing feeling of hostility to the Government which was every where spreading abroad. The Government was strong in that House—strong, not in the support, but in the fears of that House—yet a sentiment was spreading throughout the country which no lover of the Government and Constitution could contemplate without apprehension; and if the Government continued to pursue the course it had hitherto followed with regard to the finances of the country, the Reform of that House, from which they all expected so much benefit, would turn out to be one of the greatest evils that could befal the country. As long as that House was constituted as it had heretofore been, the people always looked to Reform as the means of securing good government; but if that expectation should now be disappointed, to what must they look? They must look to themselves, and the events that had taken place in that great metropolis within the last week plainly demonstrated that they were determined to look to themselves. If Reform disappointed the people, they must look to that which all would deplore, and for which those who disappointed their just expectations would be responsible—a revolution in the institutions of the country. He did not hesitate to say, that no one measure had been brought forward by the Government since the opening of the present Parliament which in any way corresponded with the expectations, not of giddy and extravagant bodies of men, but of the sober and rational Reformers of the country—he meant the middle classes. No one measure had been proposed by the Government which might not have been brought forward, and with success before an unreformed House. Why was the sum of 200,000*l.* of the public money paid every year as retired allowances and pensions? The late Chancellor of the Exchequer (Mr. Goulburn) received 2,000*l.* a-year. Perhaps he should be told, for the right. hon. Gentleman would hardly admit himself to be superannuated, that that was as a retaining fee. Well, then, he said, let the hon. member for the University of Cambridge be appointed Chancellor of the Exchequer, and there would be a saving of 2,000*l.* a-year. It mattered not to the country what particular men were in office; and he knew of nothing which had been brought forward by the noble Lord (Althorp) which might not have been brought forward by the right hon. Gentleman (Mr. Goulburn). Even with respect to Irish Church Reform the plan of the hon. member for the University of Cambridge appeared to him more solid than did that of the noble Lord. Ministers had forfeited the confidence of the national Reformers of England, by turning their backs on all those professions which, when out of office, had earned them the support and applause of the public. They had made the term Whig a by-word, and had shown, that the worst species of Tory was a Whig in place. Had a Motion like the present been brought forward when the Whigs were in their old opposition places, what declamation would the House not hear about the crying injustice of taxing the people for the support of state paupers and unmerited pensionaries. He had said on a former occasion, and he repeated it, that it would be a blessing to the country to see a Tory Government. The Whigs, whose hands and whose tongues were now tied, would then be set at liberty, and assisted by the public voice, they would be able to compel the Tories to act upon the public feeling. The Whigs must now know that mere talking would not do. The people must and would have acts. But his Motion would put the Government to the test. It would compel them to declare whether any person, of any rank or sex, was to continue to receive any sum from the public for which no services were performed? He felt he had opened a wide field, but he hoped the noble Lord (the Chancellor of the Exchequer) would confine himself to that simple question. He did not care how his observations on other points were dealt with, so that that question had an intelligible—for if intelligible, it must be a satisfactory—answer. The hon. Member concluded by moving for "a Return of all persons on the English, Irish, and Scotch Pension lists, heretofore paid out of the Civil-list, specifying, with the name, the sum received by each individual the period of the grant, the public ground or other consideration, as far as practicable, on account of which they have been granted, distinguishing those who are widows and orphans of deceased public servants, and such as are in the receipt of any salary, profits, pay, fees, and emoluments, from any public source."

Lord *Althorp* observed, that the hon. member for Colchester certainly had not confined his remark to that point to which the hon. Member wished him to confine his reply. He did not mean, however, to follow the hon. Member's example in that respect. He would at once admit the general principle, that no person ought to receive the public money unless for services performed now or heretofore. Acquiescing in the general principle, however, he thought, that as the House, at the commencement of the present reign, had assigned a certain sum of money to be disposed of by the Crown, it should not now endeavour to rescind that bargain. The amount granted by the Crown in pensions on the Civil-List was limited by Mr. Burke's Bill, for before the passing of that Bill, it was unlimited. At the commencement of the present reign 75,000*l.* were voted by Parliament to be applied by his Majesty at his discretion, which was about one-half the total amount of pensions then standing on the Civil List. The House agreed with him in opinion, that those who had pensions granted to them for life by the late King should not be deprived of them at his demise, but that the pensions to be granted by his present Majesty should not exceed 75,000*l.* The remainder of the pensions granted by the late King were, therefore, transferred from the Civil List to the Consolidated Fund, and as they fell in, the country would have the benefit, for no new pensions would be granted. The hon. member for Colchester seemed to confound the pensions charged on the Consolidated Fund with those charged on the Civil List, but the House would see that there was a material distinction. Those now charged on the Civil List were paid out of a sum of 75,000*l.* per annum voted to his Majesty at the beginning of his reign, and as that bargain was for the whole reign, he conceived that the amount could not properly be either increased or diminished. Any savings which could be made on the pensions chargeable on the Consolidated Fund would be a real saving to the public, and these pensions were, therefore, a proper subject of inquiry; but after the House had made a bargain as to the sum to be charged on the Civil List, he thought it ought not to call for an account of the manner in which that sum had been disposed of. The hon. member for Colchester stated, that they might take off the House and Window-taxes by the savings to be effected by reducing pensions, which the hon. Member estimated at 8,000,000*l.* or 9,000,000*l.* The hon. Member's estimate of the amount of pensions comprised the whole half-pay lists of both the army and navy, and he (the Chancellor of the Exchequer) confessed he did not understand what reductions were contemplated by the hon. Member in those lists. For his part he admitted that the House should keep a strict watch upon the pensions granted by Government, if any were granted, but the sum appropriated to be applied by the Crown in pensions should be left to the Crown for that purpose. If the hon. Member's Motion was confined to the pensions transferred to the Consolidated Fund, and now paid out of that fund, he (the Chancellor of the Exchequer) had no objection to it; but he could not consent to such a return with respect to those pensions charged on the Civil List.

Mr. *Robinson* thought, that the statement just made by the noble Lord would not be considered satisfactory by the country. Though the House had agreed to settle the Civil List at the commencement of the present reign, it was with the clear understanding that the pensions granted during the last reign were to be open to investigation and inquiry. He entirely agreed with the hon. member for Colchester, that many of those persons were receiving the public money who had rendered no services to the public.

Mr. *O'Connell* said, there were some pensions paid to persons connected with the Press in Ireland—to the proprietor of a newspaper called the *Patriot*, for instance, which was a patriot in nothing but the name, and which had long since ceased to be published, although the proprietor continued to receive his pension. If the Motion did not embrace pensions of that description, he (Mr. O'Connell) should move hereafter for a specification of the pensions still continued and formerly charged on the Irish Civil List.

Mr. *Hume* was afraid there was some misunderstanding on this subject. There were already returns before the House showing the names of those who received pensions, and the amount received by each individual. The words of this Motion which were most material, were "the public grounds or other consideration as far as practicable," on account of which the pensions had been granted.

Lord *Althorp* had no objection to the return "as far as practicable," but he could not promise the House that it would produce much additional information.

Colonel *Evans* was glad to hear, that the noble Lord had yielded to the Motion, as some doubt had been thrown out as to what the Motion would produce; he begged distinctly to state that, in any case in which no ground could be stated for the grant of a pension, he should move that such pension be no longer paid.

Mr. *Harvey* observed, in reply, that where no returns could be made to that House, no further payments should, he thought, be made out of the public purse. The time had come when the people of this country would not pay, nor ought to pay, one shilling more to maintain and pamper the luxurious and lascivious aristocracy of the country. There were people riding in their carriages—riding over people in the streets—upon pensions paid by the people, for which no public services were performed, and this the people could not, nor ought not, to endure any longer. With a view to meeting the noble Lord's distinction as to the pensions charged on the Civil List, as distinguished from those charged on the Consolidated Fund, he would alter his Motion by the insertion of the words, "heretofore paid out of the Civil List, and now paid out of the Civil List and Consolidated Fund."

Lord *Althorp*, in assenting to the Motion of the hon. member for Colchester, as amended, observed there were a great many pensions on the Civil List which were granted years ago, and the origin of which it would be difficult, not to say impossible, now to trace.

Lord *John Russell* said, that his noble friend, in granting the returns moved for by the hon. member for Colchester, did not accede to the arguments or assertions which he had made use of, all of which he was perfectly ready, at any future suitable opportunity, to meet and oppose.

Motion agreed to.

House and Window Taxes.] Sir *Samuel Whalley* was glad that the Petitions on the subject of the House and Window-tax, had been presented from Bristol, as they contained a satisfactory answer to the assertion that the cry against the Assessed-taxes was raised only in the metropolis. He was convinced that the desire was as great in all parts of the country, although in some places the thinness of the population rendered it a work of time to get up petitions. He regretted that Ministers, by their refusal to comply with the prayers of the people on this point, had rendered it necessary for him to bring forward this subject, but at least it would now have the advantage of being discussed without the admixture of extraneous topics. He was ready to acknowledge his general confidence in the present servants of the Crown, he would assert, that he had no wish to embarrass them, but he was bound to say, that in their late proceedings regarding the Malt-tax, they had shown an unwillingness to comply with the wishes of the people, or to apply themselves seriously to the diminution of the public burthens. The question on the former occasion was complicated by the question, whether a Property-tax should or should not be imposed. He was himself by no means prepared for a Property-tax, much less did he think that the circumstances of the country justified the imposition of an Income-tax; and it was partly because he had an unconquerable dislike to an Income-tax, that he originated the present Motion. It was not his intention to trouble the House at any length, nor did he apprehend that the question called for much discussion, and he was convinced that the tedious debates with which the House was sometimes annoyed, materially impeded public business. He expressed the gratification he had received on the former occasion, from the declaration of the noble Lord, that the principle of taxation ought to be, that men should pay in proportion to the amount of revenue they required to be protected by the State. That was a golden legend, which he should wish to see engraven on the lintels of the doors of that House, and emblazoned in striking characters above the Speaker's Chair. A right hon. Baronet (Sir Robert Peel) had said on a former night, that he supported the Assessed-taxes because they amounted to a virtual Property-tax. Such was the very reason why he opposed them; they were virtually a Property-tax, but a Property-tax compelling the poor to contribute more towards the exigences of the State than the rich. The House-tax in particular was a graduated Property-tax, and graduated upon an inverse scale, and people were not called upon to pay in proportion to the degree of protection they required. A man with an income of 100*l.* a-year, who occupied a house of 20*l.* a-year, was obliged to contribute 2*l.* 10*s.*; while a man of 30,000*l.* a-year, renting a house of 500*l.* scarcely paid a quarter per cent, upon his income. It might be said, and indeed had been said, that the man of 30,000*l.* a-year paid much more in proportion in indirect taxes—for his stables, his plate, and all articles of consumption. This was the only argument in favour of the present system, excepting that the tax was more certainly and more readily collected. This latter argument, however, was becoming weaker and weaker every day, for there was a disposition now very prevalent not to pay these taxes at all. If that disposition arose out of the mere spirit of defiance to the Resolutions of that House, he should say, that the House was bound to vindicate the authority and Majesty of the law, but if it were the mere offspring of distress—if it arose from the agony of despair, occasioned by the disappointment of the hopes which the noble Lord had once held out to the people of being relieved from these taxes, and which had induced them for some time past to pay these taxes, not out of the profits of their trade, but out of the daily diminishing amount of their capital—if such were the case, then it would be the bounden duty of the House to inquire whether the feeling of the people was founded on justice, or rested on a temporary and transient delusion. If upon such inquiry it should be considered that the people had no right to complain, then he should be most ready to support Government in vindicating the law; but, if, on the other hand, it should be considered that the complaints of the people were well founded, and had been long made, then he should be prepared to argue that the House ought not to risk its authority in maintaining injustice, but should endeavour to do justice between all classes of the King's subjects, and should not be deterred from doing it by the cry that it was yielding to intimidation. He readily admitted, that Adam Smith, whose authority he deeply venerated, had himself suggested a House-tax. He proposed it for the best of all reasons—because the weight of it fell more heavily on the rich than on the poor; but he deprecated a Window-tax, because it fell more heavily on the poor than on the rich. A right hon. Gentleman on the other side had, on a former occasion, adverted to the sum charged for Knowle Park, and the valuation of 100*l.* a-year put upon that mansion, observing, that in fixing the amount of Assessed-taxes payable for places of that description, the cost of building the House was less to be taken into consideration than the sum it would let for. The right hon. Gentleman stated to the House, that the collector augmented the charge for Knowle Park from 100*l.* to 125*l.*; that that proceeding had been appealed from, and, upon a deliberate hearing, the commissioners decided that the owner of this interesting mansion should not pay more than 100*l.* a-year. He (Sir Samuel Whalley) regretted that, when that valuation was made, he had not had an opportunity of bidding for Knowle Park, for he should very gladly become its tenant at 100*l.* a-year, though it was alleged before the commissioners that it would not let for more, because of the great expense of keeping it in repair. He would ask, did not houses in towns require keeping in repair? And had it ever happened that a house, expensive in that respect, had been ever charged less than a neighbouring dwelling which required no repairs? It was really too much to talk about repairs as a ground for diminishing the amount of House-tax: it would be vain for the House to hide from itself the truth, that there never did exist a tax that operated more unequally than did the House and Window-tax. No consideration should induce him to swerve from the principle and the position that he had taken up—namely, that there could not be a more crying injustice than that which was inflicted by the House and Window-tax. He could not regret that the right hon. Secretary opposite had succeeded in showing that the operation of that tax was most unequal, and that the inequality was of a nature which could not be removed. The agricultural interest appeared to think, that they should have the greatest reason to complain if the towns were relieved from the pressure of that tax, while they, the agricultural interest, were suffering under the pressure of the malt-tax. Now, that was a most erroneous mode of viewing the question. More than half the malt-tax was paid by London and its immediate neighbourhood. The great mistake was, to suppose that the malt-tax affected the agricultural interest alone, and the House and Window-tax affected the population of towns alone. Much of the malt-tax was paid by the towns, and no small portion of the House and Window-tax was paid by the rural population. He contended, therefore, that the removal of the malt-tax would benefit the people very little; whereas the repeal of the House and Window-tax would afford a great relief to all classes. He felt convinced that the repeal of the malt-tax would not assist the landed interest. The maltster, the brewer, the retail dealer, might reap advantage from the repeal, but neither the landed interest or the consumer would be benefitted by such an alteration.

It was very different with respect to the House and Window-tax; a repeal of that tax would extend relief to all. It was a most obnoxious tax; and the proposition for an inquisitorial inquiry into the property of every man, and the tenure by which he held it (a proposition that had been recently broached), had its origin in this very tax. He hoped the House would look to the invidious situation in which this impost placed the people. It was taxes such as that, which were unequally distributed, that fomented and kept up irritation between the people and the aristocracy of the country; and there was nothing, he was sure, that would so soon heal those differences, and bring back the people to a feeling of respect and veneration for the aristocracy, as the repeal of such odious burthens. He would now say one or two words on the relief proposed to be given by the Chancellor of the Exchequer. The noble Lord proposed to remit half the duty on Shop-windows. [Lord *Althorp:* Half the House-duty where there is a shop.] Well, how would that operate generally? What benefit would it confer on the poor lodging-house keeper? The noble Lord would relieve the shopkeeper of one-half of this duty, while he still continued to exact it from his poorer neighbour. He would say looking to the borough which he represented, that in a hundred instances out of a hundred and one the shopkeeper was better able to bear the tax than those who were living by letting lodgings. If the noble Lord could not go the whole way with him, why could he not at least take off one-half of the duty on houses rated under 100*l.*? That would afford considerable relief. But he could assure the noble Lord that discontent was not in the least degree allayed by the small portion of relief which Ministers expressed their intention of granting. He was then addressing a British senate, and he would say, that he was not demanding relief for any particular body, but that he was calling for the redress of a grievance which had become too heavy longer to be borne by the country. It was too oppressive to be endured; and he implored the House to wipe out the foulest blot that ever disgraced the fiscal code of any civilized nation. The motion which he meant to propose was, "That it is the opinion of this House that all taxes upon houses and windows shall cease on the 5th of October, 1833." If this Resolution were adopted, the Chancellor of the Exchequer, would still have one-half of the financial year before him, during which he might make all necessary arrangements; and he hoped that the hon. member for Middlesex would, in the interim, impress on the mind of the noble Lord the necessity of adopting a system of the strictest and most unsparing economy.

Mr. *Alderman Wood* seconded the Motion. He believed his hon. friend would be content if his Motion had the effect of inducing the noble Lord to agree to the resolution passing, only postponing the commencement of its total repeal till the 5th of April, 1834, instead of the 5th of October, 1833. The public mind could never be quieted, whatever the noble Lord and his colleagues thought, until the people were relieved from those taxes, and he must agree with the public opinion, that no taxes were ever more unequal, more unjust, or more obnoxious. The noble Lord had taken off taxes to which the people were comparatively indifferent, whilst he fixed upon them taxes which were unpopular, and of such a nature, that there never could be satisfaction or quiet in the country until they were abolished. He could assure the House, that it had been his lot as a Magistrate to issue 500 summonses for rates upon houses, of from 40*l.* to 45*l.* a-year; and if the people were too distressed to pay their Poor-rates he need not say, that they were unable to pay their Assessed-taxes. Surely such classes of persons ought to be relieved, or ought at least to be cheered with the hopes of relief. He had that day seen a very large meeting in the Strand, of a Society called the Temperance Society, and this reminded him to call to the noble Lord's recollection, that the duties upon spirits in England and Ireland had been greatly reduced, and if he were only to add a duty of 2*s.* per gallon on the present duty he would receive the support of the Society to which he alluded, and raise for the revenue an additional million, without, in his opinion, running any risk of increasing the practice of smuggling. If the Window and House-taxes were to be continued the great and affluent ought to be taxed in proportion to the poor.

Mr. *Spring Rice* wished to call the attention of the House to what the exact proposition then before them was. The hon. Member who introduced the question had stated, that on a former occasion, when the repeal of the House and Window-tax was brought forward, it was mixed up with the Malt-tax, and with a proposed

Property-tax. The hon. Member, however, wished not so to treat it, but to introduce it as a distinct and separate proposition. What, then, did that proposition, so distinctively brought forward, amount to? Why, the hon. Member called on them to pledge themselves in the fullest manner to remove taxes, without any equivalent being provided, to the amount of 2,500,000*l.* This was not to be done on the instant. No, in the hope of catching a few more votes, it was to take place at a future, but not at a very distant day. For his own part, he thought it would be the best and most candid way to call for the absolute and immediate repeal of the tax. The hon. mover and seconder appeared to proceed on a prophetic principle with respect to the finances of the country. The former thought, that in October this subtraction might safely be made from the taxes, but the latter, not so sanguine, was of opinion, that it would be as well to wait till April. But in legislating on questions of this kind he put little faith in prophecies. The hon. Alderman had volunteered to do the duty of the Chancellor of the Exchequer, and had advised that an additional duty should be laid on spirits—a measure which, he said, would be greatly applauded by the Temperance Societies, who, be it observed, were endeavouring to prevent the consumption of spirits at all. If the hon. Alderman had proposed a duty on water, then he could have understood his reference to the Temperance Societies. In that case there would have been rather more connexion between cause and consequence. The hon. mover seemed to have taken up this question as if it were Marylebone against all England. Now, he would say, on the part of many individuals who did not permanently reside here, that, by their visits, they contributed greatly to the wealth and prosperity of the capital. With respect to Marylebone itself, the hon. mover must know, that it was immensely benefited by those who, though their fixed residences were in the country, found it necessary, in consequence of business, to lodge there for a considerable portion of the year. It was a misapprehension, therefore, to imagine that England generally did not contribute to that part of the Assessed-taxes which was collected in the metropolis. The total number of houses in Great Britain was 2,846,179; of these, only 430,607 were charged with the House-tax. That did not prove the House-tax to be good, but the fact of only one-seventh of the houses in the country being chargeable with it evinced that it did not operate with peculiar severity on the poorer classes who occupied the exempted dwellings. Then the rate of duty varied from 1*s.* 6*d.* to 2*s.* 3*d.*, and 2*s.* 10*d.* in the pound, according to the value of the house. What could be fairer than this shifting scale of assessment? The number of houses exempt from payment of Window-tax, was 2,468,708. It might be quite true, that those on whom the House and Window-taxes fell might feel, and did feel, a severe pressure; but still he maintained, that it was a pressure, that did not fall on the great mass of the community, but on those classes, who were well able to bear it. The hon. member for Marylebone preferred a fixed *ad valorem* duty to the graduated scale, but certainly he had not shown that his plan would be more beneficial to the lower classes than the present plan, by which they were altogether exempted, to which he was about to apply his statement. With respect to the petitions which had been presented on the subject he would merely say, that the number of signatures to a petition was not a criterion of the number of persons who were affected by those taxes; and he could name a town which had sent to that House a petition signed by 2,000 persons, although it contained only 200 houses on which the assessments were made. He would, however, again revert to the proposition before the House, which was the repeal of taxes to the amount of 2,500,000*l.* a-year. He would now calculate in whose pockets this would go were the taxes to be repealed. He hoped, that Gentlemen would not be led away by their feelings, but that they would act as a Jury and return a verdict on their oaths, when they were called upon to say, whether the repeal of these taxes would or would not be a relief to those classes for whom their sympathy had been excited. He would for instance take a case within his own knowledge. He knew the case of a house which was to be let, and the taxes on which amounted to 50*l.* a-year, and the treaty for the lease was now pending between the landlord and the tenant. The conditions were, that the tenant was to pay 150*l.* a-year for the rent of the house; but it was stipulated, that if the House-tax and Window-taxes were to be removed, the tenant was then to pay to his landlord a rent of 200*l.* a-year. Thus, if the taxes were to be taken off, it would be only adding to the fortunes of the Marquess of Westminster, of the Duke of Portland, or of the late member for Marylebone (Mr. Portman), and other landlords, but it would not give any relief to the tenants, except to those who held leases. It would be a relief to them only during the lease, and at the expiration of their terms, they would have to pay an increase of rent, equivalent to the reduction of the taxes. The authority of Adam Smith had been much relied upon; but Adam Smith confirmed his views and had said, that the Window and House-taxes were deducted from the rent of the landlord, and to repeal those taxes would only be to put so much into the pockets of the landlords, without any benefit to the tenant. With respect to the alleged inequality of these taxes upon the great mansions of the country, he had before stated, and he still entertained the same opinion, that houses should be rated according to the sum they would let for, and not according to the sum expended on their construction. In this too he was supported by the authority of Adam Smith, who said, 'Houses inhabited by the proprietor ought to be rated not according to the expense which they might have cost in building, but according to the rent which an equitable arbitration might judge them likely to bring, if leased to a tenant. If rated according to the expense which they might have cost in building, a tax of *3s.* or *4s.* in the pound, joined with other taxes, would ruin almost all the rich and great families of this, and I believe of every other civilized country. Whoever will examine with attention the different town and country houses of some of the richest and greatest families in this country, will find, that at the rate of only six or seven per cent upon the original expense of building their houses, their rent is nearly equal to the whole nett rent of their estates. It is the accumulated expense of several successive generations, laid out on objects of great beauty and magnificence, indeed; but in proportion to what they cost, of very small exchangeable value.' The argument, then, which had been used about the inequality of rating great and small houses came to nothing. Any one who had heard the speech of the hon. member for Marylebone, would suppose that the measure of relief which was proposed by his noble friend was really an insult to those to whom it was offered. It was proposed to be given to the shopkeepers of London. Was it not extraordinary, if it were true, that these persons were suffering under the deepest distress—if it were true that the whole amount of the tax pressed upon them with the severity which had been represented—was it not extraordinary that a remission of one half of the tax should be regarded as an insult? In order to show the extent to which relief would be afforded by his noble friend's plan, he had taken several series of fifty houses in various streets of the metropolis, and calculated the sums which they now paid, and those which they would have to pay after the proposed remission. In Union-street, Borough, he found that fifty houses, all shops, (but in other cases he had placed private houses and shops together, taking them in order as they occurred,) were rated to the House-duty in the sum of *187l. 5s. 9d.*, and that of this sum *93l.* 14*s.* 1*d.* would be remitted. In Bond-street, the amount paid by fifty houses was 1,097*l.* 1*s.* 4*d.*, which would be reduced by *548l.* 10*s.* *8d.* In Oxford-street, fifty houses now paid, 475*l.* 8*s.* 10*d.*, the amount of relief would be *237l.* 14*s.* *5d.* In Piccadilly, fifty houses, of which only thirty-three were shops, paid 584*l.* 10*s.* 4*d.* of which 219*l.* would be remitted. In the Strand the same number of houses paid *792l.* 12*s.* *6d.*, which would be reduced by *396l.* *6s.* *3d.* Taking a different and more obscure part of the town, he found in Bermondsey-street fifty houses which at present paid 162*l.* 1*s.* 10*d.*; and would be relieved to the extent of 81*l.* To say that such remissions as these were not a boon to the trading and industrious classes, was not dealing justly by the Government which had adopted them. However, let the people only be put in possession of the facts, and he was not afraid of the result. There might be many hon. Gentlemen who differed with him and the rest of the Government; there might be many who would argue that the Ministers did not go far enough but it was hard that what had been proposed should not be received as a boon, and that the Government should be stigmatised as being indifferent to the great interests of the country. He acknowledged the right of the people to demand a reduction of burthens which might press upon them; but let them hear the truth of the case, and he was not afraid at any time of the result. The principle upon which his Majesty's Government proceeded was that of drawing a broad line between the industrious classes (peculiarly so called) and the more wealthy, and to regulate the burthen of the taxes accordingly. The relief that could be given had been given to the industrious classes, and in the choice of that relief he was confident the Government would hereafter be rewarded by the approval of that class of persons. The plan of relief did not stop here, it had been extended to the manufacturing interests, by doing away with the taxes on clerks, bookkeepers, and various other persons in their employ. The repeal of these taxes was in unison with the principle which the Government had laid down of giving relief to the industrious classes; and to afford that relief on that branch of the Assessed-taxes which was the most objectionable and which led to the numerous complaints of surcharges. Having a limited sum at his disposal out of which to grant relief, the Chancellor of the Exchequer had decided upon relieving the trading and industrious classes, and no doubt when the merits of the case were fully understood, Ministers would be rewarded by their confidence and approval. He held in his hand the assessment of the parish of St. James's in it 3,521 houses were rated as inhabited houses, and of that number 2,138 would get relief. Which houses would not get relief? The great houses of the nobility and gentry in St. James's-square, Arlington-street, Piccadilly, Saville-row, &c. Meanwhile the houses of tradesmen would be relieved. It had been said, that relief would not be afforded to the 10*l.* householders. The number of houses rated at from 10*l*, to 20*l*, was 215,000, just half the whole number of rated houses in the kingdom; 73,000 houses were rated at from 10*l.* to 12*l.*, and it was proposed that the assessment upon these should be reduced from 1*s.* 6*d.* in the 1*l.* to 1*s.*, thus making a remission of one-third the sum now paid. With respect to houses rated at from 10*l.* to 20*l.* generally, the duty was to be graduated by a scale beginning at 1*s.*, and ending with 2*s.* 3*d.*, so that relief would be afforded to 215,000 houses (whether shops or not) out of the entire number of 430,000 subject to assessment. From this statement it appeared that Ministers had selected as objects of relief the trading classes who had shops, and the next lowest class, residing in small houses, leaving the higher class of houses altogether untouched. This single fact was the best pledge of the disposition entertained by Government to relieve the people to the utmost extent of their power. But some hon. Gentlemen talked lightly of the extent of this relief, and the hon. Gentleman himself had done so. The fact was, that as long as a tax existed, it was loudly complained of, numerous demands were made for its repeal, and when it was repealed then those who had received relief, turned round and said, "Ah! that tax was of no importance, you should have taken off some other." His Majesty's Government had not been run down and crushed by the mighty car of Juggernaut; that would have been too magnificent a martyrdom; but they had been run over by taxed carts. They had been called upon loudly to reduce the duty on carts, and when they had yielded to the strong representations which had been made to them—when they had first reduced the duty and then proposed to repeal it, they were called in derision the "taxed-cart Ministry." Had they not also in consequence of numerous complaints reduced the half of the duty on soap? Now this reduction had been met by ridicule, and it had been observed, that the effect would only be to allow people to half wash themselves. Now he must say it was not just to obtain what you could one day and treat the gift lightly the next. But he asked how could the engagements of the country be punctually met, if 2,500,000*l.* of her resources were to be at once taken from her, without even a substitute being named by the hon. Member who had brought forward the resolution which was before the House? In all remissions of taxation certain boundaries existed which could not be passed—he meant the boundaries presented by the necessity of maintaining the good faith and credit of the country and our national establishments. The repeal of 2,500,000*l.* of taxes was irreconcileable with a proper attention to those objects. He had before him a paper which had been industriously circulated, and was probably intended to form a sort of text-book or manual to confirm Members' votes on this subject. The document was evidently the production of a metropolitan reformer, who took a one-sided view of the question, and declared that as the Land-tax had been partly redeemed, it would be inconvenient to meddle with it, and therefore it had better be allowed to continue. He proposed to repeal not only the House and Window duties, but the whole of the establishment taxes of England, including the duties on carriages, horses, &c. Having got rid of taxation to the amount of 5,100,000*l.*, minus the Land-tax, the projector recommended the Government to take a vote of credit in the House, in order to make good the engagements of the country. He would repeal the permanent taxes, on which our credit could alone rest in security, and supply the deficiency by a vote of credit. It was unnecessary to spend time in replying to and explaining the absurdity of propositions such as this. He had merely alluded to the subject with a view to caution hon. Members from receiving the paper as the result of absolute wisdom. In conclusion, he declared that the concessions made by Ministers were large and liberal, and ought to be so esteemed by the country. Those were not true friends of their country who depreciated or denied the relief afforded, and who told the people that the House of Commons did not represent their interests truly, and that such being the case, they had no cause to repose hope or confidence in the Parliament or the Government. He thought all impartial persons must admit that, looking to what had been already done, the people had every reasonable ground for hope and confidence; and further, that his Majesty's Ministers being limited in the amount of relief that could be afforded, had made a most judicious selection of the taxation to be remitted.

Colonel *Evans* said, that the hon. Gentleman, the member for Cambridge, had alluded, in the course of his argument, to the condition of the parish of St. James, Westminster, and by doing so had chosen the parish which of all others was most favourable to his argument. He (Colonel Evans) begged to call the attention of the House and of the Government to the parish of St. John. With respect to the argument of the hon. Gentleman, that if these taxes were repealed, the landlord would alone benefit by the increase of his rent, he would, however, first observe, that even if any instance of the kind should occur, it would not justify the House in legislating upon such grounds; but with respect to the parishes in question, the hon. Gentleman had said, that there was no distress.

Mr. *Spring Rice* had never denied the existence of distress; but that if it existed, it was inconsistent to say, that any relief given to the shopkeepers was not a relief to the distress.

Colonel *Evans* did not mean to say, that the hon. Gentleman had denied the existence of distress, but that he had stated that distress not to be great. Now, he (Colonel Evans) believed that distress prevailed to a serious extent, and, indeed, more than was assumed by the hon. Gentleman. He had been informed upon very good authority, that within the last two months no less than sixteen shops in Leicester-square and Cranborne-alley, held under the Marquess of Salisbury, had been thrown up, and the tenants had gone away in a state of bankruptcy. It could not be denied, that the situation to which he had alluded was a favourable one for business, yet such were the results of the distress now prevailing. That distress had, he believed (and he spoke upon authority), been during the last seven years progressive in the metropolis. He held in his hand a document containing information worthy of consideration. From that it appeared that an extensive hardware-shop in the Strand, which had been established upwards of fifty years, had in former years been in the weekly receipt of 30*l.*, 40*l.*, and 50*l.*, and the receipts of that same shop had been, during the last eight months, 4*l.* 2*s.*, 2*l.* 16*s.*, 3*l.* 10*s.*, 5*l.* 11*s.*, 2*l.* 11*s.*, 1*l.* 18*s.*, 2*l.* 9*s.*, and 2*l.* 11*s.* per week. These were facts which were capable of proof, and could be established. It had already been communicated to the noble Lord, the Chancellor of the Exchequer, that one half of the inhabitants of Regent-street were in a state of insolvency, and he (Colonel Evans) could add, that one half of the tradesmen of the Strand were in the same condition. Almost all the houses in those streets were let to lodgers, with the exception of the shop and one or two rooms, and the shop-keepers let them from absolute necessity. The hon. member for Cambridge had also dwelt upon the omission, on the part of the hon. member for Marylebone, in not suggesting a supply for the deficiency that must arise from the repeal of these taxes, which now produced to the revenue 2,500,000*l.* But it should be considered, that the reduction of these taxes would increase the consumption of excisable commodities, and that increase to the revenue, together with the reduction of the expenses of levying these imposts, would amount, according to his calculations, to about 500,000*l.* The noble Lord, the Chancellor of the Exchequer, had calculated upon a similar surplus on the next year's revenue, which raised the amount to meet the deficiency to 1,000,000*l.* Again, the present force, taking into consideration the military and police, was now much larger than it had been during the Administration of the Duke of Wellington (indeed to the extent of upwards of 10,000 men), and by a reduction of that force, another half million might be saved to the country. Similar savings might be made in the excrescences, as he would call them, of the military department, in the colonies, and in that branch which had been brought before the House by the hon. member for Colchester that evening,—namely, in sinecures and pensions; so that he saw no difficulty in meeting the deficiency to arise from the repeal of these taxes. These facts were already before the noble Lord, the Chancellor of the Exchequer, and he was therefore surprised and astonished that the gorgon of national faith being invaded should have been produced on the present occasion. He must beg to deny the existence, as had been suggested, of a want of respect in the House to the rights of property; and for himself he would say, that if he thought any infringement of those rights were designed on this occasion, he would not give his support to the Motion before the House. He, at the same time, thought, that if any danger to the peace and tranquillity of the country now existed, it was to be attributed to these and other taxes, and the tardiness of the Government in reducing the expenditure of the country. The House had almost refused to listen the other evening to the important debate upon the Corn-laws, and they rejected a Motion to amend those laws by a large Majority. He, therefore, had no hope in the House of Commons or in the Ministers, for though many Members of the present Government had formerly been favourable to a reduction of taxation, yet he (Colonel Evans) did not expect to see any material reduction in the expenditure of the country unless some commotion, which God avert, should press upon the Ministers the necessity of complying with the wants and wishes of the people. He supported the Motion with the most perfect sincerity.

The *Attorney General* said, that it was with the deepest reluctance, that he, considering the time at which the proposition had been brought forward by his hon. colleague, felt bound to oppose it. That proposition was neither more nor less than that the House should say, that from the 5th of October next the House and Window tax should cease. For this great reduction of the revenue, amounting to no less than 2,500,000*l.*, no substitute had been proposed. This impost could not be given up without a substitute; and if that substitute was to be a Property and Income tax, in his judgment an injury would be inflicted upon a large portion of the community, and a much greater evil would be generally effected. It was under these circumstances, that with the deepest regret, he felt bound to oppose this Motion. He, however, was not ignorant of what passed within the limits of the borough he had the honour to represent, and, such were his feelings, that if it were possible to do away with these taxes consistently with the exigences of the State, no effort should be wanting on his part to attain that object. The borough of Marylebone was deeply affected by this impost; for, indeed, there were not above 200 houses that were of a less annual value than from 10*l.* to 12*l.*; and, therefore, if ever the time should come when the revenue of the country could afford it, these taxes should, for the sake of justice and humanity, be taken off. The reduction would be well worth any sacrifice that the Government could make, but the present was not the period.

Mr. *Brotherton* thought Ministers might be enabled to repeal these taxes, and that, too, upon a just principle. He would endeavour shortly to state in what way. From the year 1796 up to 1815, this country borrowed 582,000,000*l.* During the whole of this time the price of the funds averaged 60*l.* In reality, therefore, the sum borrowed was only 355,000,000*l.*; and for this they were paying 5*l.* per cent interest up to the present time. The country was now becoming more prosperous, and one would think that they ought to be beginning to reduce their debt. In consequence of the rise in the funds, the country had to pay 100,000,000*l.* more than it borrowed, and would ultimately have to pay 270,000,000*l.* more. This was not the way in which the affairs of private individuals were managed. For example, if money was borrowed to make a road or a canal, accordingly as the property rose in value, and the parties concerned became enabled to pay off their debts, they said to the creditor: "We are able to pay you now, you must accept payment of your capital, or reduce the interest." His principle was, that when the funds reached a certain price, the premium arising should go for the benefit of the public. It might be said, that the debt thus contracted was never intended to be paid off. He could not admit the force of this observation as sufficient to overthrow the great claims of the public. The fairest way would be to regulate the interest to be paid for the public debt by the price of corn. This would be only carrying a step further the principle upon which it was proposed to deal with Church property, and he saw no reason why it would not be as just in one case as in another. The country might thus be relieved to a very considerable extent, and no injustice would be done to the public creditor. Every man was bound to pay 20*s.* in the pound, but he ought not to be called upon to pay 40*s.*, when he borrowed only 20*s.* The principle was perfectly equitable and simple.

Mr. *Sergeant Spankie* felt it his duty to oppose the Motion. If the Motion had been to take the subject of the Assessed taxes into consideration, he would have supported it; but, at present, and till some substitute were found for the taxes to be repealed, the Motion involved, in fact, a breach of faith with the national creditor. He agreed, however, with the right hon. member for Cambridge, that the House-tax was a tax on property or rent; but, he believed, as it was immediately paid by the tenant, that it was felt by him as a great burthen, in a season of distress, and was consequently most unpopular. He should be happy when the time arrived that both the taxes on houses and windows could be dispensed with.

Sir *William Ingilby* expressed his surprise that any of the metropolitan Members should oppose such a proposition as this, which he, a representative of the rural districts, was prepared strenuously to support, though he had himself been treated very scurvily by some hon. Members the other night on this great question. And here he could not but deeply regret the manner in which the two great interests of the country had been arrayed in a compelled opposition to each other, though they could only gain strength by being united. In fact, the Ministers seemed to have resorted to every method in order to suppress the attempts of the people by their Representatives for relief from their overwhelming taxation. However, the noble Lord might rely upon it that he had not done with him yet; for he intended to bring the malt question again before the House whenever the House went again into a Committee of Supply. He considered that the people must be relieved of their burthens in every point. He was very sure that there was a sufficiency of means in the country to enable Ministers to effect the relief; but if there should turn out to be no other effective substitute, he would say, let there be a Property-tax. He would allow that this was an inquisitorial tax, a very unpleasant tax; but rather than not have the Assessed-taxes done away with, he would be one of the first to support a Property-tax. The measure he had brought forward the other night ought to have been carried into effect, having received the sanction of the House. As to the proposition of the noble Lord about its having been carried by "surprise," this was a mere farce. In point of fact, there had been no such thing as "surprise" in the case. He denied that he had "spoken up," as had been alleged, for the landlords. He had "spoken up" for the farmers, the labourers, and the agricultural interest at large.

Mr. *Roebuck* denied that this was a mere local question; it was a question intimately interesting the whole population. As to the noble Lord's proposition [*Calls of "Question" and Disturbance*].

Mr. *Hume* rose to order. If the House were not willing to hear hon. Members, it was quite clear, that the question would never arrive at a satisfactory conclusion.

Mr. *Roebuck* repeated, that the noble Lord's plan for the reduction of taxation was a mere farce. If it benefited anybody, it would only be one particular and limited class, the monopolist landholders of Cheapside or Bond-street; while the shopkeepers at large of the metropolis, of Bath, and the other great towns, would be burthened as much as ever; and the tax would fall wholly on the tenants. He objected to those taxes, not because they were direct taxes, but because they were unequal in their operation. A great demur had been made to the mention of a graduated tax upon property; but was it forgotten that the House-duty was a tax of this description, only graduated the wrong way?

Mr. *Tooke* said, that unless they resorted to a Property-tax, they would never keep faith with the public creditor, or satisfy the expectations of the people, who, indeed, would no longer, because they could no longer, bear their burthens. The united feeling of the whole country was against these taxes. He was sorry to trouble the House, but thought it necessary, in order to inform them that the opinions of the learned Sergeant (Spankie) were by no means those of his constituents.

Mr. *Ward* would oppose the Resolution, not because he was hostile to retrenchment not because he was insensible to the wants and wishes of the people, but because he did not think the taxes in question the most proper which could be selected for abolition. As an honest man and a Member of Parliament, determined to do his duty to his country, he could not conceive how the deficiency which would be occasioned to the Exchequer by so sweeping a reduction could be compensated for in the present state of the country. He did not conceive this compensation possible, even if the economical counsels of the hon. member for Middlesex were acted on with the most determined perseverance. The only safe and efficacious plan for the relief of the country, he believed, would be found in a patriotic revision of the whole system of taxation. He doubted whether the Assessed-taxes bore with severity on the industry of the country, and he firmly believed their amount would be added by the landlords to the rent of the houses the moment Parliament decided for the abolition of those taxes. In furtherance of the opinion he had expressed, he should be ready to support a proposition for a special inquiry respecting a general revision of the taxation of the country, as the only means of insuring practical relief.

Mr. *Hume* was sorry and surprised to hear, that the learned Serjeant (Spankie) would vote in favour of these taxes, for he had considered that hon. and learned Member's speech as conclusive against them. The hon. Member then proceeded to complain of the manner in which Ministers had persisted from the first in insulting the people on this point—first doling out this contemptible item and then that; yet persisted in keeping up a great part of it, with all its expensive machinery, though the distress of the people was undeniable. The expense of collection was enormous, and no inconsiderable portion of these expenses was given to spies, who assisted in the surcharging work. Almost the whole of these expenses might be done away with; and, indeed, he would say, that the taxes, reduced to a proper standard, might be all collected for 39,000*l.*, and that this reformation would ultimately produce the highest satisfaction to all parties, According to the statement of the right hon. Gentleman, the whole amount of relief would only be 1,100,000*l.*; and was it to be supposed that such a sum could not be easily made up by reductions? Mr. Hume, in order to show that the sum to be obtained by reductions, according to the Chancellor of the Exchequer, was only 1,100,000*l.*, gave the following particulars:—

The Amount of duty on Windows and Inhabited Houses, about	£2,500,000
Deduction proposed in the Budget	100,000
	2,400,000
Surplus balance in the Treasury	500,000
Leaving - - - -	1,900,000
From which deduct the amount which it is proposed to give to 215,000 houses, from 10*l.* to 20*l.* rent, if the six examples of one-half of the rates is to be taken - - -	600,000
Leaving the sum - - -	1,300,000
If the amount of the charges of collection of the office of taxes of the whole of the 2,500,000*l.* was taken off	200,000
Leaving to be provided for by reduction	£1,100,000

He would undertake to say, that a diligent revision of the pensions would enable the noble Lord to reduce them ten per cent. The noble Lord might easily economize 1,000,000*l.* The question, therefore, was, should the country be relieved or not from taxation? If the House did not insist on relief, Ministers would not give it. Let the House be firm, and reductions of expenditure, he was sure, must be made; at least, if he were in the noble Lord's place he could effect such reductions as would make up the deficiency caused by reducing this tax. He was for no breach of faith with the public creditor, and he believed that a reduction of taxation would be a better way to preserve faith with the public creditor than these paltry time-serving proceedings. The people expected relief; they had been taught to expect it; and if they did not obtain it they would be greatly disappointed. If nothing were done to give relief to the people and gratify their expectations, they would be more disappointed than ever. If the noble Lord had no other means, he might trust to future resources as he had done in past time, and run the risk of the revenue being deficient a million.

Mr. *Spring Rice* explained, that he did not state that there was to be a reduction in 230,000 houses of one-half. What he did state was, that there was to be a graduated scale of reduction, beginning with the lowest in the scale. Of the lowest description of houses he had stated that there were 73,000, and that the reduction on them would be one-third, or from 1*s.*6*d.* to 1*s.* There was to be a graduated reduction on the others, from 1*s.* up to 2*s.* 3*d.*

Lord *Althorp* said, the hon. member for Middlesex talked of the surplus revenue in a strange way, for he proposed to take away 600,000*l.*; and then he calculated upon as large a surplus as before he took away that sum. He admitted that he had, on a former occasion, reduced a larger amount of taxation than he ought; but his apprehensions of a deficiency had never been very great, because he had relied on an increase of the revenue. The hon. Member said, that he had not before heard of the plan which had been explained by his right hon. friend (Mr. Spring Rice), which the hon. Member admitted would give relief, and yet he said, in the same speech, that Government was giving no relief at all. Gentlemen must be aware that all the land in towns, and all the shops were held at a sort of monopoly price, and that, consequently, the tax would ultimately be paid by the landlords, though the advantage of the reduction would, in the meantime, go to those who had leases. He objected to the Motion altogether, not because he was fond of taxation, but because he did not think it possible to provide for the necessary services of the State, if so large an amount of taxation was reduced. He objected also to the tax being repealed in October; if it must be repealed, it would be better to repeal it at once. It would, in his view, therefore, be still more objectionable to postpone the repeal to the next year. There was no Resolution he should more deprecate than one pledging the House to a large reduction of taxation at a future time, because it was impossible to foretel what might be the circumstances of the country. It might place the country in a situation of great difficulty. He admitted the inequality of the House-tax in many respects, but he did not agree to the proposition that it ought to be levied in proportion to the sum which a house cost the owner to build it. That would often lead to great injustice. He admitted, too, that these taxes were vexatious from surcharges; but it was in the contemplation of the Government to remove that evil. Too large a proportion of the surveyor's emoluments depended on the surcharges, and this was to be reduced. He had always, in his communications to the Board of Taxes, discountenanced surcharges, and had expressly stated that they ought never to be made, unless there was very good reason for making them. It was easy enough to argue against taxation, because all taxation was in itself an evil, and it was only by comparing it with the greater evil of not providing for the service of the State that it could be defended. He was perfectly ready to leave his case on the admirable speech of his right hon friend the Secretary to the Treasury, which had not been answered by the hon. member for Bath, and ready to leave the case to the decision of the House.

Mr. *Hawes* had understood that the proposition was to be to reduce the tax next April, and to that he was ready to give his assent; but he could not assent to reduce it in October, in the middle of the financial year. He moved, as an Amendment that the taxes should cease on the 5th of April next, instead of the 5th of October.

Mr. *Tennyson* stated, that, as the 5th of April was more obnoxious to the Government, by the noble Lord's statement, than the 5th of October, he should vote for the original Motion. He thought a revision of taxation necessary, and that a Property-tax should be imposed. Unless the people were relieved, there would be no satisfaction, though he for one, would never countenance the non-payment of taxes. He was persuaded that if the House did not make the reduction now, it would be compelled to do so by and by in haste, and would then do it with regret.

Sir *Samuel Whalley* briefly replied. He said that the tax did not fall on the landlords; and if it did, it would before now have been repealed. He requested the hon. member for Lambeth to withdraw his Amendment, as more hostile to the Government than the original Motion.

Amendment withdrawn, and the House divided on the original question—Ayes 124; Noes 273; Majority 149.

List of the AYES.

ENGLAND.

Aglionby, H. A.
Astley, Sir J.
Baillie, J. E.
Barnard, E. G.
Beauclerk, Major
Beaumont, T. W.
Berkeley, Hon. C. F.
Bewes, T.
Bish, T.
Blackstone, W. S.
Briscoe, J. I.
Brocklehurst, J.
Brodie, Captain
Brotherton, J.
Buckingham, J. S.
Bulwer, H. L.
Chandos, Marquess of
Chapman, A.
Chetwynd, Capt. W. F.
Chichester, J. P.
Cobbett, W.
Collier, J.
Crawley, S.
Curteis, Capt. E. B.
Davies, Lieut.-Col.
Denison, W. J.
Dick, Quintin
Dundas, Capt. J. W.
Evans, Colonel
Etwall, Ralph
Faithfull, George
Fancourt, Major
Fellowes, H. A. W.
Fellowes, Hon. N.
Fenton, John
Fielden, John
Fryer, Richard
Gaskell, Daniel
Godson, Richard
Grote, George
Guest, J. J.
Gully, John
Hall, Benjamin
Halse, James
Hanmer, Col. Henry
Harvey, D. W.
Hawes, Benjamin

Henniker, Lord
Hill, Matthew
Hotham, Lord
Hope, Sir A.
Hughes, Hughes
Hume, J.
Humphery, J.
Hutt, W.
Ingilby, Sir W. A.
James, W.
Jervis, J.
Kemp, T. R.
Key, Sir J.
Lamont, Captain N.
Langton, Col. G.
Lowther, Viscount
Lowther, Hn. Col. H.
Lyall, G.
Methuen, P.
Miller, W. H.
Molesworth, Sir W.
Penleaze, W.
Palmer, General
Parrot, J.
Pease, J.
Petre, Hon. E.
Philips, M.
Philpotts, J.
Pigot, R.
Plumptre, J. P.
Robinson, G. R.
Roebuck, J. A.
Rotch, B.
Seale, Colonel
Shawe, R. N.
Spry, S. T.
Stanley, E.
Stewart, J.
Tancred, H. W.
Todd, R.
Tooke, W.
Torrens, Colonel R.
Townshend, Lord C.
Tullamore, Lord
Turner, W.
Tynte, C. J. K.
Thompson, Ald.
Walter, J.
Wason, R.
Welby, G.
Whalley, Sir S.
Wigney, I.

SCOTLAND.

Gillon, W. D.
Maxwell, Sir J.
Maxwell, J.
Oswald, R. A.
Sinclair, G.

IRELAND.

Butler, Hon. P.
Daly, J.
Finn, W. F.
Fitzgerald, T.
Fitzsimon, C.
Lalor, P.
Nagle, Sir R.
O'Connell, D.
O'Connell, M.
O'Connell, C.
O'Connell, J.
O'Connell, M.
O'Connor Don
O'Connor. F.
Roche, W.
Roe, J.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Vigors, N. A.
Wallace, T.

TELLERS.

Tennyson, C.
Wood, Ald.

Paired off.

FOR	AGAINST.
Bainbridge, E. T.	Barron, W.
Bulwer, E. L.	Browne, D.
Burdett, Sir F.	Eastnor, Lord
Clay, W.	Grey, Hon. Col.
Handley, H.	Molyneux, Lord G.
Handley, B.	Rumbold, C. E.
Morrison, J.	Sandon, Lord
Roche, D.	Simeon, Sir R. G.
Scholefield, J.	Slaney, R. A.
Stewart, P.	Waterpark, Lord
Tayleure, W.	Wood, Colonel

BRISTOL ELECTION.] Mr. *Warburton* presented a petition, signed by 2,500 of the Electors of Bristol, praying that the evidence laid before the Election Committee, which had decided in favour of the return of the sitting Members, should be laid before the House, in order that hon. Members might be aware of the nature of the practices which were pursued at elections.

Mr. *Baillie* declared that there never was an election in which there had been less corruption than the last at Bristol. The whole expense had not exceeded 900*l.*, although it might be considered to have lasted for three months, since operations had commenced immediately after the passing of the Reform Bill. Out of the three individuals who had signed the Election Petition against the return, two had signed the requisition for him (Mr. Baillie) to come forward, and the third had wished to sign it, but was not permitted. The petitioners against the return were so much afraid that their petition should be declared frivolous and vexatious, that they entered into an agreement beforehand to pay the expense of the only witness that was brought forward.

Mr. *Pryme* said, the hon. member for Bristol spoke as if the question lay only between him and the petitioners; but the question was one of public importance. It was not a private but a public concern to ascertain whether practices of bribery and corruption had existed in any particular case. If such things should continue, the last state of this Reformed House would be worse than the first. It was necessary that such measures should be taken as would secure purity of election.

Mr. *Fitzsimon* supported the prayer of the petition; but deprecated the imputation of hostility to the sitting member for Bristol.

Lord *Althorp* knew nothing of the case, but what he had heard in that House. He was averse, however, to the production of the evidence, because it appeared to him to be *ex-parte*.

Sir *Richard Vyvyan* said, the petition originated in the disappointment of the Radical party at Bristol; and, as it contained libellous and calumnious assertions against individuals, he should move that it be rejected.

Mr. *Warburton* had read the whole of the evidence taken before the Election Committee, and he thought that a case of gross corruption, deserving the serious attention of the House, was made out. It appeared that previous to the nomination day extensive treating was carried on; that on the nomination day from 900 to 1,000 electors received bribes of 3*s.* each; and on the polling-day a box, called the "Bribery-box," was placed in a particular part of the town, into which all the electors who chose put their hands and drew out tickets entitling them to considerable sums of money.

Petition laid on the Table.

Mr. *Warburton* moved, that the evidence taken before the Election Committee be laid on the Table and printed.

Lord *Althorp* said, that he was of opinion, after hearing the statement of the hon. member (Mr. Warburton), that the case was one which ought to be investigated, and he wished to know whether the hon. Member intended to prosecute the inquiry in the event of the Motion he had just made being carried?

Mr. *Warburton* said, that if no other person took the management of the business, he should feel it his duty to prosecute the inquiry. Whether it could be gone into this Session must, of course, depend on the state of the business before the House.

Lord *Althorp* thought that as many Gentlemen considered the evidence to be partial, it would be as well not to print it at present.

Mr. *Warburton* had no objection to accede to the noble Lord's suggestion, and would therefore only move, that the evidence be brought up and laid on the Table.

The House divided—Ayes 42; Noes 8: Majority 34.

HOUSE OF LORDS,

Wednesday, May 22, 1833.

MINUTES.] Petitions presented. By the Earl of MEATH, from a Parish in Dublin, for a proper Valuation of that City.—By the Bishop of BATH and WELLS, from several Places in his Diocese, for the Better Observance of the Sabbath.—By Earls CAWDOR, GOSFORD, and FIFE, and by the Bishop of BATH and WELLS, from several Places, —against Slavery.

HOUSE OF COMMONS,

Wednesday, May 22, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. STEWART MACKENZIE, an Account of all Grants of Crown Lands in the Canadas, without Purchase, from the 31st December, 1823, to the 1st of January, 1833: also of all the Monies received from the Canada Company, and the Application thereof: also of all Sales of Land in the Canadas, during the same period as above; also an Account of the Number of Persons who have Emigrated from Great Britain and Ireland to the British Colonies, and the United States of America, from the year 1825 to 1832: also of the Number of Families who have Emigrated to New South Wales, and Van Diemen's Land, since the Establishment of the Board of Emigration to the present time, having received Loans from Government to enable them to Emigrate; stating the Amount of the Grant, the Number of Persons in the Family, and the Name of the Colony: also the same of Unmarried Females, not included in the above.

Petitions presented. By Mr. JAMES OSWALD, from Glasgow, for Alterations in the Royal Burghs (Scotland) Bill.—By Sir S. GLYNNE, from Mourn and Caergwrle; and by Mr. TOWNLEY, from Beverley,—for the Better Observance of the Sabbath.—By Mr. H. CURTEIS, from several Places in Sussex, for a Repeal of the Duty on Tiles and Malt, and for the Abolition of Tithes.—By Mr. TOWNLEY, from Cambridge County, for an Alteration of the Currency; and from the Agricultural Parishes in the same County, for an Alteration in the Labourers' Employment Act.—By Sir S. GLYNNE, Captain G. FERGUSON, and Messrs. H. CURTEIS, J. OSWALD, and THICKNESSE, from several Places,—against Slavery.

DEFECTS IN THE REFORM OF PARLIAMENT ACT.] Mr. *Tooke*, in conformity with a notice some time since given, moved for the appointment of a Select Committee, to consider of such Amendments in the Reform Act as, with reference to the contradictory decisions it had given rise to, might improve the machinery and facilitate the future working of that measure. The limit which he had prescribed to himself as to the nature of the Amendments being altogether confined to mere practical improvements in the working machinery of the Bill, without at all infringing on its principle, would divest the subject of any peculiar claim to the attention of Members, but that they were all interested, whatever might be their party or political views, in being spared at any future election much unnecessary trouble, uncertainty, and expense. Feeling all gratitude to the original framers and promoters of the Reform Act, he must nevertheless say, that it necessarily happened that in the fierce collision which took place during its progress, opportunity could not be afforded for giving it the full benefit of deliberate arrangement in all its details; the great principle attained, the minor mechanism was to a certain extent sacrificed to that paramount object of solicitude. The experience of the late elections while it fully justified the general sufficiency of the Act, developed at the same time some of its imperfections. These together with the questions elicited in the course of the Election Committees during this Session, had afforded ample materials for the Amendments proposed, in addition to which, many valuable suggestions had been received from several of the revising barristers; still, however, comprising mere practical points, wholly divested of speculative improvements. He was happy to observe, for the credit of the Act, that the obvious and apparently undebateable Amendments were but few in number and simple in remedy, and might be comprised under the following heads, chiefly applying to borough elections—namely, to allow of qualification for premises held partly as owner and partly as tenant, and of houses, &c., held jointly with other buildings; to allow the vote, if the taxes were satisfied, without requiring such payment on the part of the tenant, and to limit the period of payment of taxes in arrear; also, that opportunity should be given by two Sundays' notice on Church doors of persons in default; to define the prescribed distance of seven miles, which had on the late election received three different constructions, to one definite standard; to provide for the barristers having earlier knowledge of the lists, and entire copies of them, thus enabling them to apportion the period of holding their Courts at each place with more accuracy; the total abolition of the compulsory payment of 1*s.* both in counties and boroughs, in which latter it would be otherwise an annual charge; to give to outlying freeholders the privilege of voting at the nearest point to their residence in their division of a county, thus in several instances saving full seventy miles, as in the case of allowing such persons to vote at Axminster instead of Plymouth, for South Devon; and, not adverting to minor points, lastly, to dispense wholly with the third question at the poll, as to possessing the same identical qualification when registered, the effect of which was to disfranchise any person as to counties who might have sold any small part of a large estate, or who might have converted his leasehold into a freehold by purchase; and in boroughs the same disfranchisement would follow by moving to a better house in the same street, while the obvious intention of the Legislature was to fix the claim of franchise to the certain registry of it in July, subject only to annual revision at the same period. To repel any charge of precipitancy or presumption on his part in bringing forward this measure, he wished to observe that he had communicated his intention to the noble and right hon. Paymaster of the Forces, in deference to his peculiar claim upon the Bill, his Lordship, however, wholly declined the suggestion, and was adverse to any measure being taken during this Session. He thought otherwise, contemplating on the always possible, if not probable, event of a dissolution, and it would, therefore, be a dereliction of duty on his part not to submit his Motion to the House, however irksome it was personally to himself, as he could with truth aver rather than take this reluctant lead, he should have laboured with more satisfaction as a humble pioneer under the auspices of the noble member for Devon; but his overture to that effect had been rejected. He made his appeal to the House in perfect submission to its dictates, reserving to himself the privilege of reply to such observations as might appear to him to require one. Before sitting down, however, he would observe, that he conceived the corrections would be best matured in a Select Committee to be appointed for the purpose on the second reading of the Bill, in which Committee the suggestions of the revising barristers and others best qualified to communicate information, would be considered, together with the proceedings and decisions of the several Election Committees, and which were calculated materially to facilitate the object. The hon. Member concluded by moving, "That a Select Committee be appointed to consider the Act 2nd Will. 4th, c. 45, for Amending the Representation of the people in England and Wales, and to report such amendments and alterations in the provisions thereof, as in the better opinion of such Committee, may contribute to the better, cheaper, and more convenient working of that Act."

Lord *John Russell* objected to the Motion, and trusted that the House would not adopt it. The Government had entered into a consideration of the doubts said to arise upon the face of the Reform Bill, and after carefully considering those doubtful points, and the difficulties stated to be thrown in the way of easy and cheap registration, they had come to the opinion that no alteration of that measure ought to be introduced in the present Session. They thought it better to give men who had been taken by surprise before, the opportunity of registering their votes now, and they believed that many of the objections which at first sight appeared so formidable, would be found, upon trial, not to be so serious as was imagined. He wished the House to wait till the end of the next Session of Parliament, and see whether many of the objections now conjured up would not be found to be of no value or weight whatever.

Mr. *Warburton* thought the inquiry proposed by the present Motion, might fairly be objected to because of its unlimited character; but it would be attended with great public advantage if the contradictory decisions not only of the Revising Barristers, but of the Committees of that House on the Reform Bill, were settled. If the disputed points on which contrary decisions were given in the Committees of that

House and by the Revising Barristers were collected and reported upon by a Select Committee, it would prevent a vast deal of trouble and litigation, and he hoped his Majesty's Government would consent to the appointment of such a Committee, limiting the inquiry as he had suggested.

The *Solicitor General* admitted, that it might be found necessary to facilitate the working of the Reform Bill, but he contended that this was not the proper time, and the mode proposed was not the proper mode of effecting that object. He had himself made a register of the disputed points which had arisen, which he should use in good time, and he acknowledged that it would be extremely desirable that many of those points should be settled before a dissolution. He was not aware, however, that there was any immediate prospect of a dissolution, nor did he believe it was much desired. If a Committee were appointed, such as that proposed by the hon. member for Truro, every member on the Committee would have his own plan of Amendment, and he very much feared that the alterations suggested would only serve to increase confusion. At all events, he thought they should wait and have the experience of another registration.

Mr. *O'Connell* said, there could be no doubt there were many defects in the wording of the Act. Ministers were afraid to consent to any Amendment in the Committee; for if they did, a whole week would be wasted by their opponents in taunts upon them, for not having produced a perfect measure. The consequence was, that many incongruities remained in the Bill which ought to be altered. The hon. and learned Solicitor General admitted the fact of the evil, and yet wished to postpone the cure—a piece of advice that seemed to be quite unintelligible. There were many contradictory decisions among the Registering Barristers, and among the Committees, and it was advisable that these points of difference should be at once settled.

Colonel *Evans* was also against the postponement, and thought that a Committee ought to be appointed before the period of registration returned. If the Committee were to be refused, he hoped that Ministers were digesting some plan for the Amendment and perfecting of the existing law.

Mr. *Robinson* was disposed to leave the matter in the hands of Ministers, under the assurance that the best mode of reconciling the discrepancies between the decisions of Revising Barristers was under consideration.

Mr. *Warburton* proposed, as an Amendment to the original Motion, "That a Select Committee be appointed to inquire into, and report upon, the various points arising out of the Act 2nd Will. 4th, c. 45, and 88, on which contradictory decisions have been come to, whether by the Revising and Assistant Barristers, or by Returning Officers, or by Election Committees."

Mr. *Jervis* seconded the Amendment, and adverted to the practical defects in the working of the Reform Act, as regarded the duties of the Revising Barristers. He contended that some method should be adopted to ascertain how the measure had operated in different parts of the country.

Mr. *Rigby Wason* referred to several conflicting decisions by Election Committees, which rendered it necessary that some general system should be established before the Revising Barristers were again called upon to act. In his opinion, the moment a defect was discovered, a remedy ought to be applied to it.

Mr. *Spring Rice* said, that no inconvenience could result in this case from the postponement of the remedy; and that the recommendation of a Select Committee could not increase the certainty of that law, the uncertainty of which was now matter of complaint. The present Government, as the originators of the Reform Act, were pledged to introduce every practical remedy for established defects; and he apprehended, that next Session would be sufficiently early for the purpose.

Mr. *Hume* observed, that the Select Committee was not to be appointed to decide any question of law, but merely to ascertain a matter of fact, which matter of fact would be material in governing the conduct of the Revising Barristers when they should next be called upon to act.

Mr. *Bonham Carter* did not object to any real improvements that might be made in the Reform Bill, provided sufficient time were allowed to elapse for the purpose of ascertaining that the changes proposed were improvements. In his opinion sufficient time had not elapsed to show whether the Bill had worked well or ill; but after some experience they would be better prepared to legislate—they would be able to judge whether or not the alleged defects were so or otherwise. He admitted, that some inconvenience might arise from contradictory decisions; but as far as he could learn, the contradictory decisions were confined to the Irish Bill; that, however, formed no objection to the general measure, and he therefore recommended, that the House should avoid anything like precipitate legislation.

Mr. *Wynn* admitted, that that part of the Reform Bill which provided, that the poll should be taken in districts, and that the duration of elections should be shortened, had worked most admirably. He could not, however, make the same admission with respect to the machinery for the formation of the registry and the electoral lists. He thought, that it would be advantageous to wait till the different Election Committees had all made their decisions, because, when that was done, the anomalies and irregularities of the Bill would be better known, and therefore more easily remedied. The lists were to be made out in June, and there would be great difficulty, if a Committee were appointed, in preparing a remedial Bill, and in passing it through both Houses of Parliament before that time. A bill formed in haste upon such a subject would produce in its working greater difficulties than any which were felt at present. There were one or two points, however, which might be altered immediately without inconvenience; for instance, the names of Peers and others who were disqualified by Act of Parliament from voting, might now be placed in the lists, and if no objections were made to them, would be inserted in the Registry. This ought not to be permitted, and the Revising Barrister ought to have the power of erasing them. Again, fraudulent votes might be objected to by those persons who had an interest in supporting them. At the revision the objections might be withdrawn, and then, as no other person would have a right to press them, and as in all probability those who would have objected would have given up their opposition, on finding that there were other objectors besides themselves in the field, the Barrister would be obliged to pass votes which he suspected or even which he knew to be bad. He should, therefore, wish, that provision should be made, that when an objection was once entered to a vote, any elector should be at liberty to press it before the Revising Barrister. He could not help wishing, that the Solicitor-General would bring in a bill to settle these three points—first, how far the removal of a voter from his residence in a borough after his registration vitiated his vote; secondly, how far the Revising Barristers could themselves enter upon objections to votes, after those who had originated had withdrawn them; and, thirdly, how far the House, which was the ultimate judge in all questions appertaining to elections, should be prevented from noticing any objections to vote, however strong they might be, unless those objections had been previously decided upon by the Revising Barristers. As to the other questions relating to the overseers, and constables, he had only to say, that when the noble Lord, in defending the Reform Bill, called on the House to give overseers and constables credit for common sense, he had called on the House for one of the most extraordinary votes of credit that he had ever heard of; for a long experience of the conduct of overseers and constables had convinced him, that of all men in the world they had the least to do with that necessary article.

Mr. *Halcomb* said, that as a Revising Barrister, he knew something of the difficulties of the Reform Bill; and, knowing something respecting them, he thought, that the House ought to bring in a Declaratory Bill on the subject this Session.

Mr. *O'Connell* observed, that not a word had been said in this Debate respecting the working of the Irish Reform Bill. He wished it, therefore, to be remarked, that in Ireland, the people had not that part of the English Bill which was now universally acknowledged to work most admirably here. There was also a doubt in Ireland whether 10*l.* or 20*l.* was the qualification in counties—a doubt which arose from a variation in the Reform Act from the Act of 1829, abolishing the 40*s.* freeholders. He thought, that if a Committee were appointed that night, its report might be ready a few days after the adjournment.

The *Solicitor General* said, if the hon. member for Dublin thought that this matter could be so easily settled, why did he not himself bring in a bill to settle it? His opinion was, that the House ought not to resort to hasty legislation upon such a subject, inasmuch as nothing was so prejudicial as the unnecessary multiplication of Acts of Parliament. It was not a sufficient reason to introduce a new Reform Bill merely because there had been conflicting decisions upon the construction of the present Bill. He thought, that when a Bill was brought in to remedy the anomalies in the working of the Reform Bill, it should, after the second reading, be referred to a Committee up-stairs, in order that they might hear the opinions on it of the different Revising Barristers.

Mr. *Jervis* said, that as a Revising Barrister he had been compelled, contrary to his conscience, and contrary to his conviction, to keep upon the Register votes, which of his personal knowledge he knew to be bad, merely because they were not objected to. He thought, that a Committee might make a report on this subject in a few days, for he was certain that the Revising Barristers, who had most of them been extravagantly paid, would have no objection to return forthwith a written statement of the difficulties which they had encountered in forming the electoral lists throughout the country.

Mr. *Abercromby* put it to the House, whether, if a Committee were appointed now, the House could legislate upon its Report during the present Session? If the right hon. member for Montgomeryshire should produce a Bill amended on the three points to which he alluded, he would find other Gentlemen inclined to introduce into it other points which they considered requiring amendment. He thought, that the House would act unwisely in taking a measure of this kind out of the hands of the Government.

Mr. *Lloyd* was favourable to the Amendment moved by his hon. friend who sat near him. As to the objection which had been put forward with respect to time, he thought it had no weight whatever. That there were some gross errors in the law as it now stood was evident, and it was their duty to remedy it as soon as possible.

Mr. *Pease* observed, that Gentlemen acquainted with counties must know, that sufficient time had expired to enable churchwardens to become cognizant of the duties which they had to perform, and to direct them in the mode which, under this Bill, they were bound to pursue. If, in the performance of those duties, they found that the Bill offered impediments or incumbrances, the sooner those impediments or incumbrances were removed the better.

Mr. *Charles Grant* demanded what was the Committee, the appointment of which was now called for, to do? Why, it was to collect facts for the information of the House. Now, the greater part of the argument of those who were favourable to the appointment of a Committee was founded on the uncertainty of the law as it at present stood; that being the case, he should like to know in what way the collection of those facts was calculated to remove the uncertainty complained of? It was easy to arrive at the object required, by calling on the different Barristers for their particular opinions on certain points. He did not think that it was at all necessary to go into a Committee on this subject. If, in the first instance, when the measure of Reform was introduced, they had acted with caution and with prudence, he thought they ought, when called upon to make any alteration or Amendment in the Bill, still to proceed with caution and with prudence.

Mr. *Tooke*, in replying, observed, that he should perhaps have been content to accept the pledge of his Majesty's Ministers, but that the events of this Session had greatly impaired his confidence in them, for in fact they had originated nothing, and thwarted every thing, that promised further Reform. He had entered the House with greater buoyancy of expectation than his age might justify, but his soul now sickened at time mis-spent and duties unperformed. Ministers had not redeemed any one pledge they had given, they claimed much merit for obtaining the Reform Bill, by which, however, hitherto they had been the only gainers, and now they even refused the opportunity of amending the provisions of that Act, though they fully admitted its numerous imperfections; with wonted inconsistency they alleged the great labour of the undertaking, and yet would defer the period of commencing it to their more convenient season, and rejected the proffered aid of a Committee. Not a shadow of an argument had been adduced against his Motion, he had established the fact, that many technical errors existed in the Act, and as by a singular coincidence they had this day balloted for the last Election Committee arising out of the general election, ample means and time would be afforded for benefitting by the decisions of all the Election Committees of the Session, no less than by the evidence of the conflicting determinations of the Revising Barristers and Returning Officers.

Mr. *Ayshford Sanford* was anxious, that the improvement of the Bill should be left to Ministers. He did not think it would be prudent to place the question in the hands of others. He wished the measure of Reform to be brought to perfection by the exertions of those who, in the last Parliament, had laboured so steadily, and so successfully, in carrying a measure which had given great satisfaction to the country. He, therefore, would call on the noble Lord, and on the Government generally, to declare whether they would not state that it was their decided determination to bring forward those Amendments, and that, too, without any delay, which might be deemed necessary to render the measure in every respect unobjectionable?

The *Solicitor General* assured the House, that Government had paid the deepest attention to every suggestion that had been thrown out for the improvement of the Bill. Every proposed Amendment had received due consideration. Ministers wished to do every thing that would be conducive to the public benefit; and they hoped that they would be able, in the next Session of Parliament, to bring forward such Amendments as would give general satisfaction.

Mr. *Wallace* was of opinion that there was no necessity for putting off, even for an hour, any projected Amendments in the Bill. There was not a Gentleman in the House who must not be aware, that in consequence of the ambiguity of a portion of the Bill, much misconstruction had taken place. It was not yet settled whether the decision of the revising barrister was to be considered final or not. That was a most important point, and ought forthwith to be set at rest.

Mr. *Charles Buller* hoped, that this Motion would be pressed to a division. They had, it was true, heard from the Solicitor General, that Government would, in the next Session of Parliament, take up the subject. Now, he objected to this delay for four reasons—first, because his Majesty's Ministers might not perhaps be his Majesty's Ministers next Session; and, therefore, they might not have it in their power to redeem the pledge which they had hastened to give; second, because they had quite enough to do without adding this task to their burthens; third, because they had managed so badly almost every thing which they had taken in hand, that he was not inclined to give them much credit for their future efforts; and, fourth, because he conceived that any alteration in the measure should rather proceed from that House than from his Majesty's Ministers. He was of opinion, that the defects pointed out called for immediate revision; and he, therefore, was not willing to allow the present Session to pass over without amending the Bill, merely because the Solicitor General had stated, that something would be done in the course of the ensuing Session.

Mr. *Ellice* had not expected such animadversions on the Government from the hon. Member who had just sat down, especially as in general the hon. Member placed confidence in the measures of Government. He thought, that they should not have been subject to such remarks, if they had had no other merit than that of having made so great and successful an experiment as the Reform Bill was admitted on all hands to be. If the subject of the hon. Member's Motion were as simple as had been stated by the hon. Gentleman who spoke on the other side, he saw no occasion for the appointment of a Committee. He (Mr. Ellice) did not, however, consider it of little importance. He would only ask the House to give the Government a little time—to consider the multiplicity of business in which they were already engaged. He hoped that the House would not force them to the immediate appointment of a Committee to inquire into a subject which the Government were pledged to take into their consideration as speedily as possible. He had no doubt, that if a Committee were appointed, it would be expected that some Member of the Government would be a member of it; but he would beg the House to observe, that the time of every member of the Government was already so much occupied with the consideration of the momentous questions to come shortly before the House, or on the Committees already appointed and then sitting, that it was impossible for them to attend to this subject at present. He repeated, however, that all that was wished for, was a little delay till such time as the present pressure of business would be disposed of.

The original Motion was withdrawn, and the House divided on Mr. Warburton's Amendment.—Ayes 68; Noes 94: Majority 26.

List of the AYES.

ENGLAND.

Aglionby, H. A.
Beauclerk, Major
Bewes, T.
Bish, T.
Blackstone, W. S.
Bowes, J.
Brocklehurst, J.
Buckingham, J. S.
Buller, C.
Clay, W.
Collier, J.
Dawson, E.
Duncombe, Hon. W.
Ewart, W.
Evans, Colonel
Faithfull, G.
Gaskell, J. M.
Gladstone, W. E.
Godson, R.
Grote, G.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Humphery, J.
Hutt, W.
Hughes, H.
Jervis, J.
Knatchbull, Sir E.
Lloyd, J. H.
Nicholl, J.
Parrot, J.
Pease, J.
Philips M.
Romilly, J.
Romilly, E.
Strutt, E.
Stuart, Lord D. C.

Tennyson, rt. hon. C.
Tooke, W.
Trelawney, W. L. S.
Turner, W.
Vyvyan, Sir R.
Williams, Colonel
Wason, R.
Wynn, rt. hon. C. W.

SCOTLAND.

Arbuthnot, Gn. H.
Maxwell, Sir J.
Sinclair, G.

IRELAND.

Butler, hon. P.
Blake, J.
Evans, W.
Finn, W.
Fitzgerald, T.
Fitzsimon, C.
Fitzsimon, N.
Lalor, P.
Lynch, A. H.
Nagle, Sir R.
O'Connell, D.
O'Connell, J.
Roche, D.
Roe, J.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Shaw, F.
Vigors, N. A.
Wallace, T.

TELLERS.

Hume, J.
Warburton, H.

EMANCIPATION OF THE JEWS.] Mr. Robert Grant moved the second reading of the Jews' Civil Disabilities Bill.

Sir *Robert Inglis* opposed the Motion. This subject was one of the greatest importance, and he believed there was none against which an appeal could be made to the country with more certainty of success; but that was not the way in which he wished to see this or any other great question decided. He would oppose it in every stage, because he looked upon it as bad in principle and pregnant with the worst consequences. The question reduced itself to this: was the supreme legislative authority of the country to be Christian, professing one common faith and one common hope, or was it to consist of those who denied Christianity, who regarded the Christ himself and the most sacred characters of our religion as blasphemers, as idolaters, as persons hateful to God and accursed among men? The present was not a light or trivial question, and he regretted that none of his Majesty's Ministers were present, with the exception of the right hon. President of the Board of Control, who probably attended because the subject had been brought forward by his right hon. relative. In his opinion, the members of the Government should have been in their places, and if they were not prepared to take a decided course in relation to a bill so important, they ought, at least, to condescend to listen to what could be urged on the question. He was sorry that the right hon. Gentleman (Mr. Robert Grant) had not proposed the second reading in a speech to which he might have replied; but as that had not been done, it only remained for him to answer some of the observations made by the right hon. Gentleman on a former evening. On that occasion the right hon. Gentleman had fallen into one or two misstatements as to the precedents to be found in the treatment of the Jews by other nations; not that he (Sir Robert Inglis) admitted, that we were to be governed by such precedents, but, precedents having been referred to, it would be as well that they should be stated correctly. The right hon. Gentleman stated, that in Hamburgh and Prussia, the condition of the Jews was very different from what it ever had been in this country, and that he wished to raise British Jews to the same level as the Jews of Prussia. Now, it appeared from the appendix to the Commons Report of 1816, that, according to the constitution of Hamburgh, no person not of the Lutheran persuasion was eligible to civil office; so that there existed the best evidence to prove, that up to 1816, the eligibility of the Jews to civil office, which the right hon. Gentleman had assumed, did not exist in Hamburgh. The result also of some inquiries which he had made, and of some trustworthy communications which he had received, enabled him to state, that in Prussia, in the years 1811-12, the Jews were permitted to purchase land, to exercise trades and callings, and to take academic honours; but the question of eligibility to civil office was reserved, and had never since been decided, while the admission of Jews to academic honours which formerly was the law, was repealed. But, admitting the entire facts as originally stated, what did they prove more than this—that in a country with an absolute government at the time, and which was still without a liberal constitution, the Jews had been admitted to certain privileges, which under an absolute or *quasi* absolute government, might be extended and withdrawn in the same breath? What example was this for a government such as ours, supposing the facts to be precisely as stated by the right hon. Gentleman, which, however, he denied? The right hon. Gentleman had also instanced the cases of France and America; and he would then take the opportunity to correct a mistake into which he had himself fallen, in reference to one of those countries. He had said on a former occasion, that although Jews were legally admissible to civil office in France and the United States, yet that the law had never been carried into effect, and that no Jew had ever sat in the French Chambers or the American Congress. He was not satisfied, that he had misstated the fact as regarded America. It had been stated that

Jews were members of some of the local legislative assemblies, but it did not appear that they ever sat in Congress. With respect to France, he had been informed, that five Jews had sat in the Chamber of Deputies; he could not say whether the statement was correct or not, but, having no reason to suspect the motives of his informant, he supposed that the fact was so, and that he had been betrayed into a mistake on the subject. He argued, however, that the House ought to look at the question, not in reference to the precedents established by other states, differently circumstanced, but with reference to the spirit and practice of the British Constitution and the principles of the Christian religion. We should not be governed by the example of a latitudinarian republic on the one hand, nor by that of a worse than latitudinarian monarchy on the other. In Prussia, he believed, there were colleges exclusively for the education of the Jews, and perhaps it was to such establishments his hon. friend (Mr. Grant) alluded. In one of the states of America, Pennsylvania, there was this remarkable principle of legislation, that if a person believed in a Supreme Ruler no further question was to be asked as to his religion, but that no person could be admissible to civil office who did not believe in the Lord Jesus Christ. This excluded the principle of latitudinarian indifference upon which the present Bill proceeded, which he feared was based on a disregard for their common Christianity. He did not mean to charge his right hon. friend who brought in the Bill with this kind of indifference, but such as actually felt it, would proceed exactly in the same manner as his right hon. friend had proceeded. If the argument for the admissibility of the Jews were good for anything, it applied with equal force to every natural-born subject of the King, whether Turk, heathen, or infidel. There were peculiarities in the manners and customs of the Jews which incapacitated them for incorporation with the people of any other country. This appeared even in the common article of food. He remarked, that during the war application was made from Brighton (as we understood) to have a person sent down there to prepare meat in the peculiar way required by this people. They never did, and never could, consider themselves in any other light than as strangers and sojourners in the land. This, however, was a question which ought to be decided, not upon trivial, but upon the highest grounds of policy. The fact was, that a Jew could never be made an Englishman, even though he be born here. So long as he looked forward to another kingdom, his sympathies would be given more to a Jew in Paris or in Warsaw, than to a person residing in the same or in the next country to him. It had been said, that if they were deprived of civil power they ought not to be subjected to civil duties. The performance of civil duties was only a just return for the protection they received from the State, and gave them no just claim to civil power. He had heard it said by one of the most eloquent men who adorned that House, the hon. member for Leeds, that the denial of political power was persecution, and that the principle of such denial would carry victims to an *auto da fe.* Now, the hon. and learned Gentleman's own friend, the Chancellor of the Exchequer, had, as stated this evening, prevented the agents of candidates from voting; was he therefore prepared to burn such agents; or any exciseman, whom he equally deprived of the elective franchise? If the present boon was not a fit one for a Christian legislature to grant, it was not a fit one for the Jewish people to receive. There were two great divisions of the Jews, and the Jews who yet preserved their Scriptural character did not desire the boon proposed to them by his right hon. friend. Had any synagogue petitioned in favour of the measure? While the Catholic question was under consideration, the Roman Catholic bishops and clergy expressed an opinion on it, and sent in petitions as well as the laity. There was nothing of the kind in the present case. The Jews, as a religious body, had sent in no petitions. There were Jews who, on conscientious grounds, were averse to any such concession; and he had received a communication to that effect from one of them, the Rabbi Crool, a learned man, teacher of Hebrew in one of our universities. He said in his letter, "The start for emancipation, as it is called, was got up by a few obscure persons of the Jewish persuasion who thirsted for worldly honours. Remember this," said he to his brethren, "you can be no freemen except in the land of Canaan. One Jew, indeed, in Egypt, and three or four in Babylon, were admitted to places of trust and honour, but this happened by reason of inspiration and a mission from above. Jews," said he, "whether they spend two days, or two months, or twenty years in a country, are equally strangers and sojourners. They must look to another home and another country." The right hon. Gentleman had not shown that the Jews desired this change; and if he had done so, still he never could show that the change ought to be made. The effect of the change would be to unchristianise the land, and it would be impossible, upon similar principles, to resist the claims of admission to the Legislature of any sect, whatever its colour or creed, so that the Members of it were subjects of the King. The Jews viewed Christ as an impostor, and a blasphemer: they spoke of him always as "the hanged one;" and with such opinions how could they be admitted to the British Legislature without Unchristianising it? The hon. Baronet concluded by moving, that the Bill be read a second time that day six months.

Mr. *Sinclair* said, that in seconding the Motion of his hon. friend, he should not detain the House above a very few minutes. In fact, it appeared to him that this question resolved itself into the narrowest possible compass. He had only one single argument to advance in support of his opinion —namely, that this was a Christian country and a Christian Legislature, and that it was inconsistent with their duty and allegiance towards the God whom they worshipped, to admit those persons to occupy the highest station, or to become Members of this House, by whom he, whom we acknowledged as over all, God blessed for ever, was denounced as a crucified impostor. They would desecrate the religion of the country by such a course, and obliterate that Christian character which had hitherto distinguished our legislative assemblies, and which was recognized in the very prayers by which the proceedings of that House were daily ushered in. He knew, that in these days of religious liberalism, he should be denounced as a fanatic, on account of the sentiments which he now ventured to express; but for this he was fully prepared. Being convinced that he was discharging his duty conscientiously towards his country and towards his God, and that he was not actuated by any feeling of unkindness or disrespect towards the Jews, whose respectability and moral conduct he did not presume to disparage, he should offer his decided opposition to this Bill, and rejoice to be counted worthy to suffer shame in such a cause.

Mr. *Buckingham* said, that when he entered the House, he had no intention to take part in the Debate, though he should on this as on a former occasion, give the measure the support of his vote. Some of the observations, however, that had fallen from the hon. mover and seconder of the Amendment, appeared to him so extraordinary that he felt it his duty to oppose them. The hon. Baronet, the member for the University of Oxford, had objected to the principle of the Bill, because it would admit Hindoos, Mahommedans, and Parsees, equally with Jews, to a seat in the British Legislature. In practice, he did not conceive there would be anything to apprehend on that score—as it was exceedingly improbable that such persons would become candidates for that honour. But in principle, he saw no objection whatever, to the admission of any British subject, who should be freely chosen, by a legally qualified constituency, to a seat in that House, whatever might be his peculiar views on religious subjects. The qualities required for a good legislator, were, intelligence, experience, and integrity; and these were possessed by Jews in as large a degree as by Christians. Of their intelligence few would doubt; indeed, the general impression was, that in matters of business they were so much more clever and penetrating than ourselves, that it required no ordinary care to match them in skilful negotiation. In experience they were quite our equals, as their range of observation and their sphere of transactions was generally more enlarged than our own. And in integrity, they stood as high in all pecuniary and mercantile obligations, as any sect or class of people that could be named. In all political and moral qualities, they were, therefore, fit to be Representatives; and whatever might be their religious opinions, they were answerable for these, not to any human tribunal, but to the great Judge of all. The same arguments which had so triumphantly carried the Catholic Relief Bill, applied equally to this measure of Emancipation for the Jews, as they were founded on one grand principle of toleration—that no peculiarity of opinion on religious matters, no singularity of speculative but conscientious belief, ought to deprive any British subject of an equal participation with all other British subjects of any civil right and privilege of the State. It had been contended, that the Jews were so exclusive a people, that they were not to be trusted on that account. He confessed that his acquaintance with the Jewish nation in various countries of the earth, induced him to believe that they were no more exclusive than the people of any other sect. Like all other men they were the creatures of circumstances, and of the legislation under which they lived. In countries where they were most severely persecuted, there they associated more closely together for consolation. In countries where they were most liberally treated, there their affections became more and more expanded beyond their narrow circle. Throughout the Eastern world their degradation was extreme, because the treatment they received was cruelly unjust. In Europe they were a more enlightened and a more elevated race, because their persecutions were less severe; and whatever of inferiority or disqualification remained to adhere to them, it was in our power to remove: as by placing them on a level with ourselves in the enjoyment of every civil and political right, they would soon become our equals in every moral and intellectual virtue. This principle was to him so clear—that man was the creature of circumstance and legislation, that good men were made bad by coercion and oppression, and bad men converted into good by conciliation and by freedom—that he should deem it unnecessary to enlarge upon it, by way of argument or proof: but with the permission of the House, he would mention one striking historical fact, connected with the history of the Parsees in India, in illustration of the truth of the sentiment here professed. It was this:—At the period of the Mohammedan conquest of Persia, the inhabitants of that country were chiefly fire-worshippers, or followers of Zoroaster. The proselytizing spirit of Mohammedanism made the great bulk of the people converts to that religion. A small remnant remained, however, faithful to the doctrines of their fathers, and immovable in their attachment to their opinions. These became the objects of especial persecution; and, by a long series of oppressions, they ultimately became so poor, so vicious, and so degraded, that the earth perhaps hardly contained upon its surface a more truly contemptible class of men. A portion of them were led by circumstances to emigrate to Guzerat, one of the provinces of India, where, meeting with somewhat better treatment, they greatly improved. Soon after, they proceeded further south, and settled in the Island of Bombay, then under the government of the Portuguese, where they were admitted to the equal enjoyment of all the civil privileges enjoyed by the Portuguese themselves. From that period they began to improve in every respect; and at the present moment, while the Guebrs, or fire-worshippers of the original race, now remaining in Persia, are still among the most ignorant and depraved of the inhabitants of that country, the Parsees in India, a part of the self-same stock, have advanced so rapidly in improvement, that they are among the most intelligent and virtuous of all the Indian tribes—well acquainted with the English language—versed in European sciences—forming partners in some of the first English houses of business (a distinguished Parsee, at Bombay, having been a partner in the firm of Sir Charles Forbes, lately a Member of that House); and though originally the inhabitants of an inland country, Persia, without any maritime fleet, and where a ship was scarcely ever seen, they had now become the finest ship-builders in the world; constructing in the arsenals of Bombay, ships of war of the largest class, for the British navy, which were drafted, moulded, built, and launched entirely by Parsees; and, on their arrival in this country, were the envy of the British builder in the dock-yards of Plymouth, Portsmouth, Deptford, and Sheerness; and the admiration of British seamen, wherever they were seen. One word more, and he would conclude the few observations which he had felt it his duty to offer to the House. The hon. Member who had seconded the Amendment had said, that the very circumstance of our commencing the proceedings of each day with Christian prayer offered up in the name of the Saviour, was with him a sufficient reason for the exclusion of the Jews. Now, he begged to say, that though this might be a reason that might operate upon the Jews themselves, so as to prevent their attending the House while such prayers were offering up, it could be no possible reason why we should not admit them if they chose to attend. The public worship in every Christian Church commenced with prayers, and the name of the Saviour was invoked throughout. But would any one contend that this was a reason why we should by law exclude all Jews from entering such Churches? That was surely their affair, and not ours. Nay, so contrary was our conduct to the principles thus avowed, that we had religious societies expressly formed to promote the conversion of the Jews, and we did all in our power to persuade them to attend places of Christian worship, and become believers in the faith that we ourselves professed. After all, however, the question whether Jews should find admission into the

British Senate, was one which depended rather upon the electors of England, than upon the Jews themselves. In an un-reformed Parliament, when seats for boroughs were bought and sold openly in the market, there might be great facility in a wealthy Jew becoming a Member of the House of Commons, by the purchase of a seat from a patron or a peer. But under the present constitution of Parliament, he would have to present himself to some independent constituency, and must obtain the preference of the majority of the electors before he could be returned as duly chosen. There was no one who knew the prejudices still lingering among the uneducated classes against the Jews, that could conceive this an easy task, or a very probable event. But if it should be so, if a free constituency should choose for their Representative an able an intelligent a liberal and an upright man, without considering his religious opinions to be a disqualification, why should the law interpose to prevent their choice being carried into effect, as freely as the choice of any other body of electors in the kingdom? The portals of the Senate should be thrown open to talent and to integrity, in whatever class it might be found. Religious belief should be held too sacred to be violated or disturbed by man except in the way of persuasion and of prayer. Christianity was of too noble, too exalted, and too divine a character, to require such unworthy aids, as persecution and oppression; and they who dreaded lest the admission of a single Jew into the Senate of the land, should Un-christianize the country, and destroy the religion of the Gospel, passed, themselves, the severest censure of condemnation on that very faith, in which they professed to believe, but the foundations of which they thought so unstable as to be thus easily overthrown! For these, and for other reasons, which, had time permitted, he would have stated more in detail, but from which, at the present late hour, he would abstain, he should give this liberal measure of his Majesty's Government his very humble but sincere and cordial support.

Mr. *Finch* was entirely opposed to the Bill. It had been admitted by the right hon. Gentleman who had proposed the Bill, that few or no petitions had been presented from the parties interested in its favour, which he (Mr. Finch) could not but regard as an innovation of the British Constitution. The real question for the consideration of the House, was not one as to the degradation, but of the exaltation, of the Jewish nation. In matters of right the Jews were already placed on the same footing as the rest of his Majesty's subjects; and, unless he was greatly mistaken, they enjoyed the privileges of other subjects with reference to the protection of their lives and properties and the right of speech, and, indeed, all other rights that were enjoyed by all other classes, with the exception only of certain conventional rights, in which respect they were only similarly circumstanced to many individuals who did not even yet enjoy the right to vote for Representatives in Parliament. He must maintain, that no man was a fit and proper person to fill the important office of a Judge in this country who denied a most important portion of the Common Law of the land. The proposition tended to the overthrow of the Church establishment, and he was inclined to believe, that it was on this account that the Bill had obtained the support of many individuals. However, he was convinced, that the great body of the Protestants of this country were decidedly opposed to the proposition, and he should feel it his duty to vote against it.

Sir *Oswald Mosley* said, that if the Bill now before the House were permitted to pass into a law, the Legislature would no longer deserve the name of Christians. He should oppose the measure for the removal of the disabilities of Jews, whose case bore no analogy, as had been argued, to that of Roman Catholics. The Roman Catholics though many errors might have crept into their Church, were Christians, and he believed, that among them there were as many pious and conscientious communicants as belonged to any other Christian body or sect. Any concessions which had been made to the Roman Catholics afforded no precedent for putting upon the same par with them a class of men who blasphemed the sacred name of Jesus. [Cries of "*No, no.*"] Hon. Members might express their dissent from this statement, but he should be glad to hear the sentiments of the Jews themselves. He did not wish to speak ill of the Jews as a body, but he believed his statement was correct. If the proposed Bill was permitted to pass, it was on the verge of possibility—nay, it was not unlikely—that a Jew might be called upon to fill the Speaker's Chair. In such a case could he be present during prayers; or, if so, would not it be a solemn mockery of Christianity? In short, he for one hoped never to see such a Bill carried, for he thought such an event would open the flood-gates of ultra-toleration upon the Legislature of the land. By passing such a Bill the House would be Christian only nominally and not in reality, and would inflict an irreparable injury upon the institutions of the country.

Dr. *Lushington* said, some of the hon. Members, who were the loudest and most vehement in their professions of Christianity, seemed at the very moment of making these professions, to overlook the chiefest Christian doctrine, inasmuch as they imputed intentions, and ascribed motives to an intelligent and upright race of men, with a view to fix on them deprivations, degradations, and exclusions, against which, if they suffered one-twentieth part of them in their own proper persons, they would cry out as a grievous injustice, and as the offspring of the most malignant intentions. He would send them back to their Bible, he would tell them to study it with greater advantage, and they would learn from it, that one of its great doctrines was to do unto others as they would be done unto. Those who opposed this Bill were bound to show, that mischief to the State would ensue from removing the disqualifications, which, as the general rule, were, by the Constitution, not to be imposed on any class without some great necessity. Much reliance had been placed on the doctrines, that Parliament was exclusively Christian; he denied that there was any foundation for making that assertion. He wished to know in which of our great Constitutional Authorities, that far-famed doctrine was laid down? If he had found it, he would not be contented with any authorities; he would have gone to the foundation of the doctrine itself; and if he had found, that the doctrine was productive of evil, or produced injustice to any class of men, he would have been one of the first to erase such a law from the Statute-book. The complaint was, that the Jews were unsocial; and were they to be made better by being kept excluded from society? He could not anticipate any of those great evils which had been mentioned as likely to result from qualifying Jews to sit in that House. It was a matter which he thought might be fairly left to the discrimination of electors, who would not fail to select the most competent individuals. He really thought the electors did not require the nursing care of the hon. Baronet. In a politico-economical point of view, it was a great folly to limit the market for virtue and talent—which would be the case if this Bill were rejected. The opposition to it appeared to him to spring from the cloister. He did not mean in saying that, to allude to the old ladies who resided there. He denied that the Christian religion could be at all endangered by such a concession. Every objection which had been brought forward on the present occasion had been also advanced in opposition to the repeal of the Test and Corporation Acts, and of the Catholic disabilities. The one set of men had been denounced as idolators, and the other as blasphemers; but where had been the injury? He agreed with the hon. member for Sheffield, that if the natural course of human motives were to be consulted, there would be little doubt that the conduct of the Jews, if emancipated, would redound to their honour and to our benefit.

Mr. *Edward Buller* opposed the Bill. He was of opinion that on the same principle that a qualification in respect of property was necessary for a seat in the legislature, a qualification with reference to religion might be demanded. He had heard no argument yet advanced in support of the measure which would not equally apply to the concession of universal suffrage. The present measure was calculated to favour the notion which he had seen maintained, that religion had no influence on daily conduct, which was regulated by a conventional morality.

Mr. *Plumptre* observed, that the hon. and learned Gentleman (Dr. Lushington) had referred the House to the Bible, and he found there that "at the name of Jesus every knee should bow." Those for whose benefit this Bill was intended rejected that name, and on that ground he opposed the Bill.

Mr. *Finn* defied the hon. Member to show that our Saviour had intended to leave any stigma on the Jews. It would be well if those who talked of Christianity practised charity, which was torn up by the roots by persons who called themselves Christians. The proof lay on those who opposed the introduction of the Jews into the House.

Mr. *Petre* observed, that if he believed this Bill was dangerous to the constitution, he should be ready to resist it; but believing that difference of religious sentiments was not a sufficient ground for exclusion from civil rights, he supported the second reading in order to prove that he was not actuated by any of the sordid motives imputed to Roman Catholics. He considered that every one had a right to worship God without being liable to civil incapacity.

Lord *John Russell* was unwilling to lose the opportunity of declaring his approbation of the principle of this Bill. As a question of practice, he could not understand how the Constitution could be exposed to danger by the Bill. The number of Jews in England was 27,000; three or four out of them might be called to the Bar, five or six to inferior offices of State, and one or two to seats in that House; but they might be sure they would never hear from these latter any sentiments which would lead to the opposition of the peculiar tenets of the Christian and the Jewish religions. But although it was of no great importance as a question of practice, yet it was of great importance as a question of principle; for if differences in religious opinions were to lead to civil disabilities, they ought not to stop at exclusion from Parliament, but ought to go the fullest extent—even to banishment and death. They should either adopt the principle in its complete application, or not at all. He had never seen any reason why a Jew should not fulfil all the duties of a citizen: why he should not act as honestly, bravely, and patriotically as any other English subject.

The House divided on the Motion that the Bill be read a second time—Ayes 159; Noes 52—Majority 107.

Bill read a second time.

List of the AYES.

ENGLAND.

Aglionby, H. A.
Attwood, T.
Bainbridge, E. T.
Baring, F.
Barnett, C. J.
Beauclerk, Major
Bernal, R
Biddulph, R. M.
Bish, T.
Blake, Sir F.
Blamire, W.
Bowes, J.
Briggs, R.
Brougham, J,
Buckingham, J. S.
Buller, J. W.
Buller, C.
Bulwer, H. L.
Burdett, Sir F.
Byng, G.
Campbell, Sir J.
Carter, J. B.
Cayley, Sir G.
Cayley, E. S.
Chaytor, Sir W.
Childers, J. W.
Clay, W.
Clayton, Col. W. R.
Collier, J.
Curteis, H. B.
Dillwyn, L. W.
Dundas, Hon. Sir R.
Dykes, F. B.
Ebrington, Visct.
Evans, W.
Evans, Colonel
Ewart, W.
Fenton, Captain L.
Ferguson, Gen. Sir R.
Fordwich, Visct.
Fox, S. L.
Fox, Lieut. Col.
Gaskell, D.
Godson, R.
Goring, H. D.
Grote, G.
Hall, B.
Handley, B.
Handley, H.
Hawkins, J. H.
Heathcote, J. J.
Heron, Sir R.
Hill, M. D.
Hodgson, J.
Horne, Sir W.
Hoskins, K.
Howard, P. H.
Hume, J.
Hutt, W.
James, W.
Jerningham, Hon. H. V. S.
Johnstone, Sir J. V.
Kemp, T. R.
Lee, J. Lee
Labouchere, H.
Lambton, H.
Leech, J.
Lester, B. L.
Lloyd, J. H.
Lumley, Visct.
Maberly, C.
Macaulay, T. B.
Mangles, J.
Marjoribanks, S.
Marshall, J.
Martin, J.
Molyneux, Lord
Moreton, Hon. A. H.
Morpeth, V.
Mostyn, Hon. E. M. L.
Ord, W. H.
Palmer, General
Palmer, C. F.
Parker, J.
Parrott, J.
Pease, J.
Pendarves, E. W. W.
Peter, W.
Petre, Hon. E.
Philips, M.
Pinney, J.
Ponsonby, Hon. W.
Potter, R.
Poulter, J.
Pryme, G.
Penleaze, J.
Ramsbottom, J.
Rider, T.
Robinson, G. R.
Rolfe, R. M.
Romilly, J.
Romilly, E.
Russell, Lord J.
Russell, W. C.
Sanford, E.
Scott, Sir E.
Seale, Colonel
Sebright, Sir J.
Smith, J. A.
Smith, J.
Strickland, G.
Strutt, E.
Tancred, H. W.
Thicknesse, R.
Throckmorton, R. G.
Tooke, W.
Torrens, Col. R.
Townley, R. G.
Trelawney, W. L. S.
Vernon, Hon. G. J.
Vivian, J. H.
Wigney, I. N.
Wilbraham, G.
Williams, Colonel G.
Willoughby, Sir H.
Wood, G. W.
Wood, Alderman
Wall, C. B.
Walter, J.
Warburton, H.
Ward, H. G.
Watson, Hon. R.
Young, G. F.

SCOTLAND.

Abercromby, Rt. Hn. J.
Adam, Admiral C.
Bannerman, A.
Dunlop, Capt. J.
Ewing, J.
Fergusson, R.
Fleming, Hn. Adm.
Gillon, W. D.
Grant, Rt. Hon. C.
Hay, Col. A. L.
Jeffrey, Rt. Hon. F.
Kennedy, T. F.
Macleod, R.
Marjoribanks, C.
Maxwell, Sir J.
Oliphant, L.
Ormelie, Earl of
Oswald, R. A.
Parnell, Rt. Hn. Sir H.
Traill, G.

IRELAND.

Acheson, Visct.
Barron, W.
Bellew, R. M.
Blake, M.
Butler, Hon. P.
Evans, G.
Finn, W. F.
Fitzgerald, T.
Fitzsimon, C.
Fitzsimon, N.
Grattan, H.
Howard, R.
Jephson, C. D. O.
Lalor, P.
Lambert, H.
Lynch, A. H.
Macnamara, Major W.
Macnamara, F.
Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Connell, C.
O'Connell, M.
O'Connor, D.
O'Connor, F.
O'Ferrall, R. M.
O'Grady, Col. S.

Roche, W.
Roche, D.
Roe, J.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Talbot, J.
Tennent, J. E.
Vigors, N. A.
Walker, C. A.
Wallace, T.

TELLERS.

Grant, R.
Lushington, Dr. S.

List of the NOES.

ENGLAND.

Ashley, Lord
Bankes, W. J.
Bell, M.
Blackstone, W. S.
Bruce, Lord E.
Bulkeley, Sir R. W.
Buller, E.
Burrell, Sir C.
Calley, T.
Duncombe, Hon. W.
Estcourt, T. G. B.
Fancourt, Major
Finch, G.
Forster, G. S.
Freemantle, Sir T.
Gladstone, W. E.
Gronow, Capt. R. H.
Grosvenor, Earl
Hughes, H.
Halford, H.
Henniker, Lord
Irton, J.
Lincoln, Earl of
Lowther, Hon. Col.
Mosley, Sir O.
Plumptre, J. P.
Pollock, F.
Rickford, W.
Stanley, E.
Stormont, Visct.
Troubridge, Sir E. T.
Verney, Sir H.
Vyvyan, Sir R.
Williams, R.

SCOTLAND.

Arbuthnot, Hon. H.
Gordon, Capt. W.
Hay, Sir J.
Johnston, J. J. H.
oss, H.
tuart, Captain C.

IRELAND.

Cooper, E. J.
Corry, Hon. H. L.
Gladstone, T.
Hayes, Sir E.
Hill, Lord M.
Lefroy, A.
Martin, T.
Maxwell, H.
Perceval, Colonel
Shaw, F.
Verner, Col. W.

TELLERS.

Inglis, Sir R.
Sinclair, G.

Paired off.

FOR.

Divett, E.
Duncannon, Lord
Dundas, Captain
Hudson, Thomas
Humphery, J.
Key, Sir J.
Oswald, J.
Tennyson, Rt. Hn. C.
Tynte, C. J. K.
Wood, Charles

AGAINST.

Archdall, G.
Chaplin, Colonel
Cooper, Hon. A.
Dare, R. W. Hall
Eastnor, Lord
Hardy, J.
Hardinge, Sir H.
Knatchbull, Sir E.
Lamont, N.
Lennox, Lord A.
Milton, Lord

HOUSE OF LORDS,

Thursday, May 23, 1833.

MINUTES.] Bills. Read a second time:—Sewers; Police Offices (London).

Petitions presented. By the Bishop of BRISTOL, from Cambridge, against Cruelty to Animals.—By the Bishop of BATH and WELLS, from the Clergy of his Diocese, against the Irish Church Reform Bill.—By Lord SUFFIELD, from Penzance, for the Extension of Civil Rights to the Jews: also from a Number of Places, in favour of a Better Registration of Births.—By Lords CARBERY and LYTTLETON, the Earl of RODEN, and the Bishop of DURHAM, from several Places,—for a Better Observance of the Sabbath.—By the Duke of GORDON, from the Medical Practitioners of Aberdeen, for an Alteration in the Apothecaries Act.

HOUSE OF COMMONS,

Thursday, May 23, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. BALFOUR, an Account of the Imperial Proof Gallons of Spirits in Warehouse in each Collection of Excise, for the Duties at the end of Excise round on 5th April, 1833.

Petitions presented. By Mr. SHAW, from several Places in Ireland, against the Irish Church Temporalities Bill; and from Carrickfergus, that the Franchise may be continued to them.—By Admiral ADAM, from Carigaline and Tarbert, in favour of the Lord's Day Observance Bill; and from the Hand-loom Weavers of Orwell and Portmoak, for an Inquiry into the Causes of their Distress.—By Mr. MORETON, Mr. AGLIONBY, and Mr. A. SANFORD, from several Places, for Amendments in the Sale of Beer Act.—By Sir RICHARD VYVYAN, Lord EBRINGTON, Captain ELLIOTT, and Messrs. R. OSWALD, HAWES, FITZSIMON, J. OSWALD, ROLFE, A. SANFORD, G. F. MORETON, and Sir JOHN OWEN, from a Number of Places,—against Slavery.—By the Earl of LINCOLN, Lord MORPETH, Sir RICHARD VYVIAN, Sir JOHN OWEN, and Messrs. A. SANFORD, E. DENISON, and EGERTON, from several Places,—for the Better Observance of the Lord's Day.—By Sir RICHARD KEANE, from Tullow, against the Excessive Assessment made by the Grand Jury of that Town.—By Lord EBRINGTON, from Hartland (Devon), for making the use of the Imperial Weights and Measures compulsory, and from several Places, against Tithes.—By Sir RICHARD VYVYAN, from the Clergy of Bedminster, and from the Eastern Division of the County of Cornwall, against the Irish Church Reform Bill.—By Mr. HUME, from Newburgh, against the Royal Burgh (Scotland) Bill.—By Mr. J. MAXWELL, from Paisley, for the Repeal of the Duty on Attornies' Certificates; and from East Kilbride, for an Amendment of the Law of Church Patronage in Scotland. By Mr. HODGES and Lord EBRINGTON, from several Places,—for Relieving the Dissenters from their present Grievances with regard to Marriage, Registration, and Church Rates.—By Lord MORPETH, from Heckmondwicke, for a Repeal of the Corn Laws.—By Mr. F. FITZSIMON, from Tullamore and Clara, for the Abolition of the Punishment of Death.—By Sir R. INGLIS, from Bedford, for Amending the Reform Act.—By Sir R. DONKIN, from the Shipowners of Berwick-upon-Tweed, for Inquiry into the Distress of the Shipping Interest.—By Mr. ROLFE, from Falmouth, for Extending the Vicinity of that Borough.—By Mr. TODD, from HONITON; and Sir RICHARD VYVYAN, from St. Stephen's, Bristol, against the Assessed Taxes.

POST OFFICE PACKETS.] Mr. Rolfe presented a Petition from Falmouth against the substitution of ten-gun brigs for Falmouth packets in the service of the Post Office.

Captain *Elliott*, after pointing out the inconveniences, and in some instances, the danger incurred by the employment of hired packets, declared that the ten-gun brigs now employed in the packet service were much less frequently lost than was generally supposed. During several years, only six King's packets had been lost, and those in voyages more dangerous than any in which the hired packets had been employed, whilst the loss of the latter had averaged about two per annum. One King's packet had been driven ashore at Barbadoes in a hurricane. The Redpole was lost on her voyage from the Brazils; and it was generally supposed, that she was captured by pirates, and destroyed. The Ariel, it was supposed, had been burnt on her voyage to the West Indies. The Calypso was understood to have been lost on an ice-berg, after the pilot had forewarned the commander of his danger. It should be recollected, that the twenty-eight packets engaged, had made upwards of 1,000 voyages across the Atlantic, and only one of them could be shown to have been lost by stress of weather. As to the difference of expense, there was a saving of between ten and twenty-eight per cent by the increased speed of the King's packets. One petition on this subject stated, that the widows and children of persons lost in their packets were a great burthen to the town of Falmouth; whereas, from a return made, it appeared that only one widow was supported out of the Poor-rates of Falmouth, at a cost of five shillings per week. The petition, he believed, did not represent the feelings of the inhabitants of Falmouth generally, but only of a few interested persons. He had the satisfaction of being able to say, that vessels were now building of a superior construction for the packet service.

Petition to lie on the Table.

Trade of the Port of London.] Mr. *Clay* presented a petition signed by 706 ship-sawyers, employed on the River Thames, complaining of the state of business, arising chiefly in consequence of the various Acts of the Legislature, relating to navigation and the British shipping. The petitioners prayed for a general revision of these Acts; but whether that would restore to the petitioners their lost employment, he was not prepared to say. Of his own knowledge, however, he could declare, that no commercial distress was equal to that experienced by the shipping interest of the port of London; nor did he see any chance of amelioration, for nothing could be more gloomy than the present prospect of the commerce of the port of London, which had been supported, as it were, by four great branches of trade. Of these, the silk manufactures of Bethnal-Green had not only to contend with those of France, but those of Manchester. The East-India trade, it was presumed, would no longer be confined to London, but would be distributed among the outports also; and whatever the general effect of that alteration might be, there could be no doubt of its injury to the metropolis. The trade of sugar refining was already all but lost; indeed four-fifths of it were already gone; and all who were connected with the West Indies, began to feel the effect of the projected measures of change for those colonies. Thus, all the great sources, for those he had named were the only great sources of employment of the population of London would be either greatly reduced or cut away. He therefore strongly recommended the prayer of the petitioners to the consideration of Government, lamenting at the same time, that none of them were present to hear that prayer. It had become absolutely necessary that the utmost economy should make way for great reduction in taxation, and, above all taxes, those on houses and windows ought to be abolished. Indeed, they could not much longer be paid. They pressed, perhaps, with more severity on the eastern suburbs of the metropolis, than on any other portion of the kingdom.

Petition laid on the Table.

HOUSE OF COMMONS,

Friday, May 24, 1833.

Minutes.] Papers ordered. On the Motion of Colonel Leith Hay, a Copy of the Appointment of the present Solicitor of Excise for Scotland, and the Amount of his Salary and Emoluments; as also that of all Excise Officers during the last seven years, and how the rest of the Sum allowed to the Excise Office is Employed.—On the Motion of Mr. Lambert, a Continuation of former Reports, relative to the Reform of Parliament (Ireland) Act: also of the several Sums of Money issued and advanced by the Lord Lieutenant of Ireland out of the Consolidated Fund upon Application of Ecclesiastical Persons, or Persons entitled to Tithes or Composition of Tithes: also a List of the Barristers Retained or Engaged to Prosecute Petitions before the Lord Chancellor of Ireland, and other Authorities, for the Recovery of the value of Tithes, or of Tithe Compositions, the Fees paid to them, and other Matters or Proceedings relating thereto.—On the Motion of the Earl of Kerry, an Account of the Number of Schools in each Town or Parish; adding all Particulars concerning such Schools: also Papers relative to the late General Election.—On the Motion of Mr. Pease, for Information received from his Majesty's Consuls resident at Havre de Grace, Antwerp, Amsterdam, Rotterdam, and Hamburgh, relative to the Amounts charged as Duties, or Municipal Imposts on Policies for Marine Insurances at the said Ports respectively.—On the Motion of Mr. Ewart, an Account of the Exportation and Importation of Metal Clocks and Watches, since the year 1825.—On the Motion of Mr. Ord, an Account of the Number of Stamps issued to each Provincial Newspaper in England, in the year ending 1st April, 1833.

Petitions presented. By Mr. Goulburn, from Cambridge, against the Church Temporalities (Ireland) Bill.—By Mr. Thomas Marsland, from Stockport, for Poor Laws to Ireland.—By Mr. Spring Rice, from Limerick, for Relief from the taking of Oaths.—By Mr. Abercromby, from Edinburgh, against Nocturnal Legislation.—By Mr. Ewing, from Glasgow; and Mr. Abercromby, from the Convention of the Royal Burgh of Scotland, against the Royal Burghs (Scotland) Bill.—By Mr. EMERSON TENNENT, from the Hand-loom Weavers of Belfast; and by Mr. GILLON, from those of Whitburn, for a Board of Trade, and for Relief.—By Mr. HUTT, from Kingston-upon-Hull, for the Repeal of the Stamp Duty on Marine Insurances.—By Dr. LUSHINGTON, from Bromley, St. Leonard's, for Poor Laws to Ireland; and for an Alteration of the Law relative to Catholic Marriages; and from Mile End Old Town, against the Police Offices (London) Bill.—By Lord ORMELIE, Sir J. DALRYMPLE, Sir R. VAUGHAN, Sir E. HAYES, and Messrs. HARVEY, ROTCH, E. BULWER, T. ATTWOOD, W. ROCHE, GILLON, TURNER, ABERCROMBY, C. CAVENDISH, E. TENNENT, and Mr. Serjeant PERRIN, from a great Number of Places, —for the Immediate Abolition of Slavery.—By Earl GROSVENOR, Sir E. HAYES, an HON. MEMBER, and Messrs. HARVEY, HALYBURTON, LEFROY, EWING, and ROTCH, from several Places,—for the Better Observance of the Sabbath.—By Dr. LUSHINGTON, from the Coal-whippers on the River Thames, for a Regulation of their Wages.—By Lord ORMELIE, from Newtown, Pitcairns, for the Abolition of the Corn Laws.—By Mr. PRYME, from Cambridge, for granting to the Inhabitants at Large the Right of Choosing their own Magistrates.—By Mr. E. L. BULWER, from Lincoln; and by Dr. LUSHINGTON, from the Inhabitants of the old Artillery Ground,—against the House and Window Taxes.—By Mr. E. L. BULWER, from several Places, against the Disturbances (Ireland) Bill; and from Dartford and Crayford, for Restoring Poland to an Independent State.—By Mr. ROTCH, from the Inhabitants of Holborn, Oxford Street, &c., for Better Regulating the Public Carriages in the Metropolis; from the Magistrates of Middlesex, against the Sale of Beer Act. By Mr. HARVEY, from Chichester, for Relief to the Dissenters from their present Grievances relative to Registration, Marriage, and Church Rates; and from Colchester, for Exempting from Rates all Places exclusively appropriated to Divine Worship; and from the same Place, for Providing for the Registration of Births and Burials.

POLAND—SLAVERY.] Mr. *Thomas Attwood* presented a Petition from the Birmingham Political Associations. Those petitioners related the injuries which had been inflicted upon that unhappy country, Poland, and deprecated the apathy of this country, while the struggles were going on. The petitioners pointed out the benefits which would result from a reinstatement of the kingdom of Poland to this country, particularly in an extension of their trade in British manufactures, and prayed the House to address his Majesty, beseeching him to co-operate with France and Austria in restoring Poland to the state of independence in which she was, prior to her partition in 1772. The hon. Member said, he thought that Russia had, by her tyrannic conduct, laid herself open to the indignation and military attack of all the civilized Powers of Europe, and that it was the bounden duty of all the European Powers to see justice done to Poland. Two years ago, if this country held up its finger, Poland would have been saved; and six months ago, if it had held up its finger, Constantinople would have been saved too; but now it might cost hundreds of millions to save Constantinople, unless, indeed, we were prepared to surrender the Thames to the Russians. He had also three petitions for the abolition of Slavery; from the Methodists of Lichfield, from some place in Staffordshire, and from Birmingham. While he concurred in the hope, that black slavery would be speedily abolished, he must say, that he believed the miseries of the white slaves to be ten times greater than those of the black slaves; and when they should accomplish the plan of giving to the black slaves a maintenance for three-fourths of their labours, he hoped they would deal out the same measure of justice in favour of the white slaves. He had also a petition from West Bromwich, complaining of distress, and also of the passing of the Irish Coercion Bill. If any observations that he ever uttered in that House should appear as going to extremes, he hoped they would be attributed only to a desire to see the poorer classes remunerated for their labour. He was desirous of securing the stability of the Church, of the Aristocracy, and, indeed, of all the institutions of the country; and when he could see the labouring population receive that for their labour which would enable them to support themselves and families in comfort, he should rest satisfied. He had only one remark to make, which was, that the country was divided into three great parties. Ultra-Radical, Ultra-Whig, and Ultra-Tory, and it was most extraordinary that all these parties should disagree on every subject except one, and on that they cordially united; they all agreed to make war upon the currency, by which they would pull down the fabric of society on their heads.

Mr. *Divett* would give the hon. Member credit for his intentions, but he felt it to be his duty to protest against his doctrines —for views more mischievous never were promulgated by any individual. He had been pleased to talk about white slavery in England. He (Mr. Divett) would deny that white slavery existed; but if it did, the hon. Member did not take the proper way of relieving it, by exciting the poor people against their rulers. The hon. Member had spoken of three great parties in that House—he might have added a fourth, as he himself constituted another, being the Ultra-Union party—a party more dangerous than either Ultra-Whig or Ultra-Tory. The hon. Member had, some days ago, reflected in very severe terms upon the conduct of a Savings Bank at Exeter, and stated generally that Savings Banks cost the country more than it benefited by them. He thought such attacks came with peculiar ill grace from the hon. member for Birmingham, who professed to be the advocate for the working classes; there was no institution in the country likely to be more beneficial to that class than those Banks.

Mr. *Attwood* replied, that he had stated nothing on his own knowledge, but on the assertions of a petitioner who informed the House that those Banks cost the country 27,000*l.* a-year, while the amount of deposits was 600,000*l.*; and he supposed the expenses had not been reduced. That money, in his opinion, could be better applied for the benefit of the poor.

Mr. *Spring Rice* positively denied the statements of the hon. Member. Those institutions had been most beneficial to the country generally.

Petition to lie on the Table.

SLAVERY.] Mr. *William Roche*, on presenting five Petitions from the Wesleyan Methodists of Limerick, and its neighbourhood, against the Negro Slavery said;—The five petitions which I hold in my hand, and shall beg leave to lay on the Table of the House, came from the city and vicinity of the city (Limerick) which I have the honour to represent, and relate to the unchristian, the inhuman, and unnatural practice of Negro Slavery in the British Colonies, the injustice and horrors of which are depicted by petitioners in terms no less lively, no less creditable to them, than unfortunately and painfully true—Sir, when I inform the House that these petitions emanate from a most respectable portion of the members of the "Wesleyan Communion," I am sure it will confer upon them a weight which their opinions and feelings, pre-eminently on this subject, stand so deservedly entitled to; for no class of society has done more or suffered more in their benign and Christian-like zeal, to rescue the character of this country from so foul a stain, or in their endeavours to mitigate its various evils both physical and moral, during its disgraceful existence; an existence which I am happy to think is now near very near its dissolution for ever. I shall not detain the House any longer than to express my entire concurrence in the views and wishes of the petitioners, and the gratification I feel in being made the medium of conveying to the House sentiments and supplications on this interesting subject so congenial with my own.

Petitions to lie on the Table.

HERTFORD ELECTION.] Mr. *Bernal*, having moved, that the Special Report from the Committee upon the merits of the late Election for the Borough of Hertford be read, said, it became his duty to call the attention of the House to certain parts of the evidence contained in the Report which peremptorily required from the House a deliberate and strict opinion upon the extraordinary proceedings which were there detailed. He should not detain the House with any prefatory observations, and that he might not weary them, would point only to those parts of the case which appeared in his eyes the most tainted. In 1831, a feeling rose up in the borough of Hertford adverse to the return of Mr. Duncombe as their Representative in Parliament. A club called the Union Club was formed, and met from time to time, the object of which was to concoct plans for the return of a man of whose principles the Members might approve. It was afterwards thrown open; the only pledge required from new Members being, that they should support the man in whose interest the club might choose to embark. Soon afterwards refreshments were at every meeting distributed, and no payment whatever was required for them. Every one had what he liked, free of any expense whatever. Early in the spring a requisition from this club was forwarded to Lord Ingestrie, and in May the noble Lord consented to come forward as a candidate. He (Mr. Bernal) must here introduce the name of a Mr. George Nicholson, which would frequently be mentioned in the course of the discussion, and who was in considerable private practice as a lawyer, besides being Under Sheriff, having the good fortune to possess as a client the Marquess of Salisbury. This Gentleman, it was in evidence, being applied to for his fostering care, entered the club, and afterwards supplied it with money. It was also in evidence that there had been serious disputes among the leading members of the club, on account of the complaints of Nicholson, as to the great expense incurred by the Members; and in some cases he must admit this gentleman had refused to pay those expenses.

It was in evidence that the Unionists had walked in procession, that a dinner had been given by Alderman Clark, that the Unionists, as a body, had attended that dinner; and, as they had shown themselves a body capable of giving efficient support to any particular cause, so they required assistance to be given to them in return, should they need it. There had been a practice in the borough of distributing dinner tickets, or as they were called, refreshment tickets. He had known something of elections; but this distribution of dinner tickets was a perfect novelty. In the month of August the first issue of these tickets took place. The general number of these tickets consisted of orders to the amount of 2*s.* 6*d.* and 5*s.* each. The great agent for the two noble Lords appeared to have been a Mr. Dack. That person had become a man of great importance under the fostering care of Mr. George Nicholson. On the evidence of Mr. Nicholson, from his own distinct avowal, and from the confession of his partner, it appeared that at least 100*l.* had been paid in August last for the issue of tickets upon this occasion. He did not mean to contend that men should be deprived of proper refreshment; but he was convinced that if a strict line of demarcation was not adopted and adhered to, they would ascend the steps of the grossest bribery and corruption. He was prepared to prove, from the evidence taken before the Committee, that these tickets were issued, not solely for refreshment, but as a sort of paper coin to circulate through the shops of the town, and that they were paid as such for calico, linen, tea, sugar, meat, and other things, all of which were obtained through the use of these tickets; so that the pretence of their being refreshment tickets was a mere election manœuvre. Mr. Nicholson admitted, that he had no particular check over the issue of these tickets, but that the person by whom they were issued did as he pleased in the issue. Subsequently to the month of August, there had been two other issues of tickets, the latter of which took place on the 28th of November, a few days before the test of the writ. Mr. Pollard, a woollen-draper, said, that tickets of this kind had come into his shop during the election week. When they were presented for the purchase of goods at the shop to the amount of the value of the notes, the shopman at first refused them, and then went to Mr. Dack to ask him whether the tickets would be paid, or rather in their peculiar phrase, would be "honoured?" Dack said, that they would be duly honoured, and goods were then furnished on the credit of these tickets, and a sum of 9*l.* 7*s.* 6*d.* was paid for them after the election. In the same manner meat was obtained, on the credit of these tickets, from a Mr. Huckiss, a butcher. When such facts were clearly proved on the evidence, was he required to say that this was a mere shallow device to evade the law against bribery at elections? It appeared that there were only 690 voters on the registry, and 670 of these persons polled at the last election. The sum of 300*l.* to expend among such a constituency in the small borough-town of Hertford was much too large to be required for refreshments, and he did not think he was going too far in calling the pretence of refreshment under such circumstances a mere shallow device. But the case was still stronger, for the tickets were not confined to sums of 2*s.* 6*d.* and 5*s.* for there were some tickets for 10*s.* [*A noble Lord dissented from this statement.*] Such a statement was certainly made in several parts of the evidence. James Taylor, at page 197, said, that tickets for 10*s.* each had been left at his House in purchase of the goods he sold. Again, Francis Wilson, at page 103, stated the same thing with respect to tickets brought to his House in November 1832. He now came to another serious matter, the practice of treating, which he was prepared to prove prevailed to a great extent. According to the strict letter of the law at this moment, there could be no treating before the test of the writ. Still, though that was the fact as respected the letter of the law—still it was notorious, that there was constantly treating to a most gross and abominable extent. He did not charge the noble Lords who had been returned for the borough with being personally guilty of treating. It was sufficient if he was able to fix that upon their avowed and authorised agents, and he thought he could do so most satisfactorily. Francis Edwards, whose evidence was reported in p. 275, and the following pages, stated, that a Bill had been run up at his house to the amount of 270*l.*, for three days—December 10th, the 11th, and the 12th. Now, those days were the nomination day and the two election days. When asked from whom he expected payment, he said that he looked to a man named Atkins, who it appeared was a small saddler in Hertford, and who was not likely to incur the expense on his own account. Another person, a Mrs. Cook, whose evidence was printed at p. 277, said, that she had a bill for 94*l.*, incurred at her house for refreshments during the nomination and the two election days. She had opened her house under the orders of two persons, of the names of Baker and Fordham. Then, again, there was Robert Gill, who kept the Maidenhead public house, and whose house had been open in the month of December under the directions of Mr. Dack and of a Mr. Munday. In p. 286, was the evidence of a person named Farrer, who had a bill for 177*l.*, for things furnished in his house from the 18th November to the 12th December. When pressed to declare from whom he expected payment, he said he expected it from Mr. George Nicholson, but it appeared that he had made out his bill in the names of two poor labouring men. There were several other persons who had small bills which they had sent in to Mr. George Nicholson, and which, at least, had not been rejected by that Gentleman. There was another tavern-keeper, one John Nicholson, who kept the Red Cow, and with whom a bill for 54*l.* had been incurred for refreshments furnished to voters on the polling days. Then there was a charge of 110*l.* for bullies. He ought to mention, that John Nicholson's house had been opened avowedly under the direction of two persons, in the town, but who could not in reality have been the persons to whom credit was given, since one of them was only foreman to a plumber in the town, and the other had been but recently a declared insolvent. The person who kept the Woolpack, whose evidence was at p. 248, stated that he had a bill for 220*l.* for refreshments, and that he had opened his House under the direction of Mr. William Tysoe. He should now have occasion to mention a most important person, a Mr. Newman who was well known in the Committee by the name of Doey Newman. This man admitted, that his shop, which was a baker's shop, he had converted into a Tom and Jerry shop, and had distributed beer on the election day to the amount of 82*l.* He had also a bill for 170*l.* headed "Election Account," but to whom the credit was given did not distinctly appear. There was a person named Joseph Cooke, who had a bill for 150*l.* He kept his house open under the orders of a man named R. Drummond. After all these smaller houses, he came to the chief inn in the place, the Salisbury Arms, kept by William Griffiths, who had a bill for 440*l.* which now remained unpaid. On being questioned about this bill, he said he did not desire it to be paid, and he added, "though I cannot afford to lose it, yet I do not know who is to pay it." In this manner considerable doubt and mystery hung over these accounts. It appeared, however, that bills to the amount of 1,700*l.*, still remained unpaid. That sum had been expended after the test of the writ. [An *Hon. Member* said, that this was a small amount]. If the hon. Member thought so—though to him, considering the small numbers of the constituency, he thought it a large sum—he would only add, that, by the testimony of Mr. George Nicholson, it appeared that 2,500*l.* had been expended before the test of the writ. He did not pretend to equal the right hon. Gentleman opposite (Mr. Wynn) in knowledge of parliamentary law, but he wished to call that right hon. Gentleman's attention to the Resolution of the House in 1677 against Treating. That Resolution had been made a Standing Order in the subsequent year. In the year 1695, the statute 7. Will. 3rd., c. 4, was passed upon the subject of treating. It was passed for the purpose of affording a further remedy against the abominable system that had been got up. The Resolution of the House, afterwards made a Standing Order, had mentioned the sum of 10*l.*, but the statute did not refer to that or any other particular amount, but directed its provisions against treating generally. There was, however, this further distinction between them, that the Standing Order made the mere treating an offence, whereas the Act required, that to constitute the offence, the treating must have been for the purposes of the election. It was much to be regretted that they had coquetted as they had done with the law of bribery. They had not made their approaches in a manly and steady way. They had not done what they ought, to make the arm of the law long enough and strong enough to reach the offence of treating before the time of the election. As the law now stood, the greatest corruption was practised in the way of treating, and provided this was done before the test of the writ, the offence remained without punishment. Yet its evil effects must be acknowledged by all, and the extravagance committed in that way by some men often occasioned the ruin of their families. He did not despair of the Legislature being able to provide a remedy for this abominable evil; and if they called themselves a Reformed Parliament, the evidence that they were so should be found in the Government seriously addressing itself to these matters, and following up the recommendations of Committees with some enactments to prevent such scandalous corruption in future. It was too much for any individual Member to undertake such a task, so replete with difficulties, and so certain of being received with ingratitude. It was too much to expect him to allow such a bill to be tacked to his tail like a kettle to the tail of a dog, and to have to attend there, from the sitting of the House to its rising, through all those tedious hours, to get the Bill passed through a stage, and to receive, almost as a personal favour, an order for its committal or recommittal at a particular time. This was a task which no Member, in his individual capacity, ought to undertake, and which he, for one, certainly would not. If that House thought that the matter ought to be taken up seriously, he called on the Government to do it. For himself, he would not undertake, like the man of yore, to leap into the gulf, and sacrifice himself to a public object, which might be attained in a better manner without such a sacrifice. Something, however, must be done. There were now the cases of four or five boroughs under the consideration of the House; and, in considering them, the House must not be too nice and too delicate—they must not "strain at a gnat and swallow a camel." They must not allow it to be said, that it was not exactly proved that those noble Lords had not given a warrant of attorney for the expenses at the various taverns. He trusted that he never had and never should allow his political sentiments to bias his judicial opinions; he hoped that he had not done so in the present case; but he must say, that there was evidence—and an accumulation of evidence—sufficient to affect the present constituency of the town of Hertford. The sum of 1,700*l.* for treating after the test of the writ, still remained unpaid; there were other accounts of the same kind that had been settled in the name of Mr. George Nicholson, at the Bank. Much of the money thus expended was expended under the direction of Dack, of Waddel, and of various other persons, who, in other parts of the business, were the recognised agents of the noble Lords. If they were so in one instance, he had a right to presume that they were so in another, and to say that their conduct must affect the rights and liabilities of their principals. If that was so, then he had a right to assume, that the public houses were opened, if not by the direct, yet by the indirect, authority of the noble Lords themselves. The House should remember, that they were not now dealing with the seats of Members. They were called on to say whether the borough was in a healthful state, so as to be fit to be again called on to send Members to that House, or whether it was in that diseased state that a remedy must be applied to it before it could be allowed again to exercise its elective franchise. He could not dissemble his opinion, that it was better to have a close borough, where the seat could be bought from one individual for 2,000*l.* or 3,000*l.*, than a borough with a constituency of 700 or 800 persons, whose votes could not be obtained at a less expense than 5,000*l.*, or 7,000*l.* If any man could read the Report of the evidence on this case, and not come to the conclusion that this constituency was most corrupt, he could only say, that the state of mind of such a man was to him most amazing. The very counsel for the sitting Members, while attempting to prove that they had no connexion with the bribery and treating, never denied that there was something rotten in the state of Denmark. A practice had prevailed at former elections, and was still in force in Hertford, of giving to the voters a fee of 10*s.* after the election. This sum was expected to be given by each of the successful candidates. It appeared from the evidence of Nicholson and Longmore, that 670 voters polled at the last election, and that from 300 to 400 received this fee. The House would see on referring to the evidence of Charles Little, p. 218, that that witness stated that he had borrowed 1*l.* upon his voting money—an expression which, proved that the voting-money paid to the electors at Hertford was considered as an indefeasible security. Now, was that a practice to which, if it came under the cognizance of

Parliament, Parliament ought to give the go-by? The House was not now called upon to deal with Lord Ingestrie or Lord Mahon, but with the corruption of the borough of Hertford, which, beyond all dispute required purification. Besides the leading facts which he had already mentioned, there were many minor circumstances, all leading to the same conclusion. Blankets had been distributed after the election to different voters in the interest of the two Lords. He mentioned this fact to show that even charity had been made a cloak for bribery; not that he meant to insist strongly upon it, as he knew that this distribution of blankets was not uncommon in the winter season after elections. It appeared, however, that 400*l.* or 500*l.* had been advanced to Twaddle for the purchase of these blankets as a sort of compensation to him for his services, which were not otherwise remunerated. Now, as to the direct bribery in this borough. As to what was termed direct bribery, this case might want the marked and disgusting features obtruding themselves in the instances of East Retford or Penryn; but it was clear, that there was a corrupt influence—an atmosphere of corruption always floating about the town of Hertford; there were always plenty of Mephistophiles whispering in the ears of the voters, like the Dæmon in Goethe's "Faustus," when the heroine in a celebrated passage was obliged to call upon her neighbour for the loan of her smelling-bottle. Sterne had talked of a shower of mitres, but in Hertford there was a constant pouring down of new hats, new coats, and new shoes, which would not fit all the voters, but seemed measured to a nicety for the heads, backs, and feet of the electors in the interest of one of the parties. A good hat and a new pair of shoes seemed to be always ready for any elector who would promise to devote all his energies to the two noble Lords. Edward Harding, p. 64, stated that Dack offered him 5*l.* if he would promise him a plumper for Lord Ingestrie, and that Dack told him that all who gave his Lordship plumpers were to have 5*l.* a-piece. At p. 154 they would find a Mr. Drew figuring away as a distributer of gifts, and John Tween stated, that this Mr. Drew offered to give him a bed and bolster and a new pair of shoes. James Rogers, p. 158, stated that this same Mr. Drew told him, that he would pay his arrears of rent, amounting to 6*l.* 10*s.*, if he would vote for Lord Ingestrie, and that he would double it if he would vote for Lord Mahon; and Drew likewise added that he would give him besides two fat pigs in his sty. They would find evidence of similar transactions at p. 182, p. 195, and p. 197. At p. 201 they would find Twaddle promising to give a witness of the name of Edward Phypours 13*l.* if he would vote for the two Lords. Now, as to direct gifts, they would find that Huckle and Bunyan distinctly spoke to the giving away of smockfrocks, stockings, and hats to different voters. There was also a curious transaction detailed in the evidence of Elizabeth Meed, which he would explain as clearly as he could. Elizabeth Meed, whose husband was a union man, had her house robbed of seven sovereigns. She handed about a petition shortly afterwards, to get something towards the reparation of her loss, but she never got, as she stated, a farthing. It was before Michaelmas that she lost her money. Some time before the election, Dack, knowing that her husband and her son were both voters, sent for her, gave her 5*l.* and two sovereigns, and drew up for her the petition which he would now read. "The humble petition of John Meed showeth, that 7*l.* was taken from his house by some villain or villains unknown to the said John Meed. The money was saved by the industry of the said John Meed and his wife to serve him in case of illness or want of work, and to keep him from the parish. He makes this humble appeal to the charitable and humane in hopes they will replace this, which to him is a very great loss, and your petitioner will ever pray. Signed, W. G. Munday, 1*l.*; and R. Drummond, 1*l.*; C. Mortlock, 1*l.*; Edward Laurence, 1*l.*; Samuel Dack, 1*l.*; W. C. Twaddle, 1*l.*; William Tysoe, 1*l.*" Now, the majority of these names were the names of persons who had flitted about Hertford in no very questionable shape during the time of the election, and it seemed to him, from the names signed to the petition, that the subscription was a mere device to gain the votes of the Meed family upon that occasion. There was another curious circumstance proved by Charles Deller, with respect to a doctor's bill which he owed to a Mr. Norwood, and which was paid for him by Mr. Longmore. It appeared that Deller owed Norwood who proposed or seconded

Lord Mahon at the election, a bill of 4*l.* or 5*l.* Mr. Longmore admitted in his evidence that he had mentioned the subject of this bill to Norwood, and Deller states, that when he afterwards went to Norwood, Norwood told him that the money had been sent to him in a note. The evidence was to this effect:—"What did he (Norwood) say to you when you first entered the house?" "Deller, I will fetch you the money."—"Did he fetch you the money?" "Yes."—"He put the money into your hands?" "Yes."—"What did he say when he gave it you?" "He said, that Lord Mahon was a friend of his, or he was a friend of Lord Mahon's." —"He said nothing else?" "No; I said that I had much rather that he should keep the money, now that he had got it, and receipt the bill; and he said no, he had rather that I should take the money away, and bring it at a future time." The transaction ended by the witness taking a receipt for the bill, and 4*l.* 16*s.* too. He inferred from this circumstance, and many like it, which were scattered throughout the evidence, that the whole atmosphere of Hertford was tainted and corrupted. If gentlemen could have witnessed the prevarication of the witnesses, the gross immorality of principle which they displayed, and the utter recklessness with which the voters made promises which they intended to break, they would not treat this matter with levity or indifference. He cared not on which side this immorality was most flagrant. He was not there as an advocate either for the unseated Lords or the rejected candidates, he was there only as a legislator. It was sufficient for him to have seen that a disregard of honour, of principle, of morality, and of the most sacred engagements had sprung out of these corrupt proceedings. It was sufficient for him that these corrupt proceedings had given rise to universal profligacy to induce him to endeavour to apply some legal remedy to them. He referred to the evidence of John Wooding, page 185, of Henry Hunsden, page 197, and of John Hylott, page 231. Let the House listen to the disgraceful reasons which they gave for thus shamelessly disposing of their votes:—Q. "Did you consider that your vote was to be sold? A. No, not to be sold particularly—we did not study much about the voting."—Q. "Did you think that your vote was given you to be sold? A. No, I do not know that it was."—Q. "You think there is no harm in taking money for it? A. I never see much harm in it."—Q. "You do not think there is any harm in it—do you consider it the part of an honest man to take money for his vote—yes or no?" A. "I do not say anything about that." One man had the assurance to tell the Committee that he sold his promise, but not his vote. He hoped that after this statement he should have no occasion to enter into any argument, to prove that bribery and corruption brought in their train a mass of crimes which no man could view without horror. It was a disgrace to the British nation that those things should occur every day, and almost with impunity. Whose fault was that? The fault of the Legislature. The statute-book was crowded with laws for the prevention of bribery, but it was quite clear that those laws were inefficient. He therefore trusted that his noble friend below him, who had acquired such lasting glory, by destroying the corruption of that House, would endeavour to acquire a still more brilliant reputation, by destroying the corruption of those who had the power of electing that House. In the mean while, he would beg leave to submit two resolutions to the House. The first went to state, that the bribery and corruption which prevailed in Hertford, both before and after the late election for that borough, required the most serious consideration of that House. His next resolution, supposing the resolution which he had just read to be carried, would be to move, that a Select Committee be appointed to consider the best means of preventing bribery and corruption, in the borough of Hertford. This was a new practice; but he hoped that it was not a bad one. The case of Abingdon was analogous to the case of Hertford; but supposing that it were entirely without a precedent, had not the House sufficient confidence in its own wisdom to make a precedent for the occasion? As the neighbourhood of Hertford was populous, and as several towns and hamlets were within the radius of a few miles, it puzzled him much where to place the limit, in case the House should be of opinion that the extent of the borough should be increased. Some Gentlemen called for the disfranchisement of a certain class of voters. He did not know how far that might or might not be desirable, but, in his opinion, a sufficient case had not been made out for the total disfranchisement of the borough. He thought that a Committee might trace out new limits for the borough, by which fresh blood might be introduced for the purification of that which had become corrupt. He believed that they might amalgamate a new constituency with the old constituency to such a degree, that if the old corrupt practices could not be exterminated together, they might at least be rendered innoxious and harmless. The hon. Member concluded, by moving the following Resolution: "That the Bribery and Corruption which had prevailed during the last Election for the Borough of Hertford deserved the most serious consideration of the House."

Mr. *Edward Stewart* said, the allegations of bribery contained in the evidence were not sufficient to induce the House to disfranchise the borough. All the precedents of disfranchisement, as, for instance, at East Retford, New Shoreham, &c., were based upon a much more extensive system of corruption than had ever been proved to exist in the borough of Hertford, At Shoreham, there were seventy voters out of 120 proved to have been bribed; at Cricklade, there were 123 out of 240; at Aylesbury, 257 out of 417; and at East Retford, every resident voter was proved to have been bribed except six, and every non-resident voter except five. No bribery had been proved at Hertford; and if the House punished the constituency of that borough, because Lord Ingestrie and Lord Mahon gave meat and drink, it would establish a new doctrine—a doctrine inconsistent with the entire previous practice of Parliament—and would do an act of great injustice, inasmuch as it would punish the constituency of Hertford for doing that which was not illegal.

Lord *Granville Somerset* said, that not merely as a legislator, but as a judge in this case, he felt it necessary to explain the reasons why he came to a different conclusion from the hon. and learned member for Rochester. He was as ready as any man to condemn treating, and any kind of corrupt practice in elections; but while he would punish the guilty in such cases, he would not include the innocent. He therefore differed from the hon. and learned Member in the view which he took of this case. He could not but complain of the course taken by the hon. and learned Member, who had kept the House in the dark as to the measure with which he intended to follow up his Motion. He did not say, that this was done with the view to mislead the House; but he would assert, that up to that evening the House did not know to what extent the hon. and learned Member intended to say, that the borough of Hertford was guilty or not. That, he thought, was not a fair way of dealing with the House, and therefore he felt himself placed in a difficulty in meeting the question. The hon. and learned Member had made out a case for unseating the late Members, rather than one which should induce the House to take further steps with respect to the borough. The hon. and learned Member had dwelt much on the sums expended in the borough before the testing of the writ; but even admitting, that these sums were expended in the manner described, they did not amount to an offence which ought to be visited with such a punishment as the hon. and learned Member seemed to have in view. Was it not an every-day practice, that long before the issuing of the writ for an election, houses were opened in boroughs by the friends of candidates, for which tickets were issued entitling the bearers to certain refreshments? Nothing was more common; but though he did not approve of such practices, he must contend that they could not be construed into offences within the meaning of the Act. He had passed through Rochester some time before the issuing of the writ for the late Election, and he found that the whole town was in a state of rejoicing, and anxiously looking out for the arrival of the hon. and learned Member (Mr. Bernal). There were houses opened at which the voters were regaling themselves, but he should hope, that in that case there had been no distribution of tickets. [Mr. *Bernal:* Certainly not]. He was glad to hear it; but suppose it had been otherwise, he would ask, would it have been a case within the meaning of the Act? He contended it would not. In the case before the House, it appeared that these tickets were issued long before the testing of the writ,—that they were for very small amounts, and that they were issued indiscriminately to men and women—to men who had no votes, as well as to those who had. Surely this was not bribery in the ordinary acceptation of that term. But was not the same practice well known in counties; and why should one measure of justice be held out to a county, and another to a borough? But the hon. and learned Member dwelt much upon the alleged expenditure of 1,800*l.* after the issuing of the writ for the election. He should, however, bear in mind, that the fact of 1,800*l.* being charged, was by no means a proof that it was spent. Many instances could be cited of charges having been made of large sums which never had been expended. He remembered one in the case of a county election, where 500*l.* had been charged for soda-water alone. The mere allegation, therefore, that a large sum had been charged, was by no means a proof that it had been expended, and still less that it had been expended for improper purposes. Looking at the whole of the evidence, he thought that the hon. and learned Member's Motion would sanction *ex post facto* punishment. It would go to punish for acts, which, however objectionable in themselves, were certainly not within the meaning of the Bribery Act. He would also beg of the House to consider that the borough of Hertford would, if this Motion were passed, be taken by surprise. The borough had never been defended in the Committee. The barristers who were engaged for the sitting Members, looked only to the interests of their clients, and did not feel it necessary to call evidence, which could be adduced, to disprove the charge of corruption against the borough. It would, therefore, be unfair to condemn the borough, without giving it the opportunity of being fairly heard. The House, he admitted, had a right to interfere for the purpose of preserving the purity of election; but assuredly, in pursuing that object, they ought not to interfere with the purity of justice. The noble Lord then went into an examination of the evidence, and contended, that Mr. Russel Davies, who had stated, that he could prove the *locus in quo*, the place where conversations had been held, which went to fix certain parties with the intention of committing bribery, had failed to substantiate his assertion; and that Mr. George Beck having been decidedly contradicted on one material point, had thereby rendered his whole testimony liable to suspicion: he, under these circumstances, contended that such a case had not been made out as would warrant the interference of the House in the manner which the Motion called for. As to the distribution of blankets, it was plainly shown, that blankets had been given away during the three preceding years; and, if they were to visit with punishment those who were connected with this charitable deed, it could only have the effect of drying up the sources of benevolence. In conclusion, the noble Lord observed, that in his view of the case, sufficient ground was not laid to justify the House in agreeing with the proposition of the hon. Gentleman.

Mr. *Clay* observed, that the whole speech of the noble Lord went to this point—namely, whether the decision of the Committee, which had inquired into the Hertford Election, was right or wrong? Now he, looking at the whole of the evidence, was of opinion that the decision of the Committee was a right and just decision. This must, he conceived, be quite evident to any one who took the trouble of analyzing the evidence. The unworthy conduct which was pursued by many of those who were connected with the election, precluded the House from passing lightly over this transaction. They would not be doing their duty if they did not, in strong terms, express their sentiments on this occasion. Looking to the evidence, what did he find proved? Why, that in the last three or four elections, out of 650 voters, not less than from 300 to 400 received polling-money — that was, 1*l.* a-piece. There was one part of the petition to which the late election gave rise, that had not been noticed by the Committee, and which had not been mentioned in the course of the discussion. To that point he was anxious to draw the particular attention of the House. It was alleged that, contrary to the orders of that House, and contrary to every constitutional principle, a noble Lord had taken a most active part in the Hertford election. That was a practice which could not be too strongly reprobated, and, in his opinion, the complaint thus made called for serious investigation. Would the noble Lord contend, after the evidence adduced on the subject, that no *primâ facie* case had been made out to show that the constituency of the borough of Hertford was not, in its present state, such a body as could be depended on to exercise the elective franchise, or that this was not a case for inquiry? For his own part, he felt satisfied, that the way in which the reformed Parliament could best secure the confidence and affections of the people of England was by adopting a firm, conscientious, and searching inquiry into any case of corruption that might arise, and by taking steps to remedy the evil.

Mr. *Wynn* observed, that the question was not as to the conduct of the late member for Hertford, but whether the electors of that borough generally had abused the trust reposed in them to such an extent as to call for the adoption of strong measures, and justify the House in making an alteration in the constituency. Bribery was a serious offence by Statute and Common Law, both in the receiver and giver; but to constitute the offence, the money must be given in consideration of a vote; and if the consideration were not proved, a general giving of money or clothes, as in the present case, was not bribery. Then as to treating, that was an offence only in the person who treated—voters were not punishable for it. In former cases (such as those of New Shoreham, Grampound, Aylesbury, and East Retford), where the House had interfered, it was invariably on the ground that bribery to a great extent, generally embracing a majority of the electors, had existed; but in the present instance there was not evidence of direct bribery in more than eleven or twelve cases (the number was certainly under twenty) out of 600 voters. He maintained, that that was not an extent of corruption sufficient to justify the interference now called for. And as to treating, to which he had already alluded, if the principle were pushed as far as it would go, and to the extent proposed, any Member might be unseated, and the issue of a writ suspended for any place in the kingdom. There was nothing illegal in a gentleman who had been elected in November, going down to the place he represented in January and making a distribution of money, provided he had not procured votes by a promise of such distribution, and provided there had been no previous understanding on the subject. There might be reasons for altering the law in this respect, but the House had now to do with the law as it stood, and must act upon it. In conclusion, he again expressed his opinion, that no case had been made out against the borough sufficient to justify the suspension of the writ.

The *Attorney General*, considering the important nature of the subject, the grave authority on which the case had been brought forward, and recollecting that the object of the Reform Bill was to prevent corruption, of which he looked upon the present as a decided case, felt bound by duty and principle to vote for the Resolutions. The object of the Reform Bill was to secure a pure representation of the people in that House by means of as pure and independent an exercise of the elective franchise as possible. That object had been defeated in the case of the borough of Hertford. It returned two noble Lords, than whom no two individuals could be more unexceptionable in point of character, or fitter to sit as Members of that House: yet, the Committee had been compelled by the law and by the principles of the Constitution to eject those two noble Lords, not on account of any personal faults (for no report accused either of them individually of corruption or bribery), but because the constituency of Hertford had abused its trust. The Committee had reported that bribery and treating had prevailed previously to, and during the last election for the borough of Hertford. Was the House prepared to disgrace the Committee by expunging that statement from its records? He could not bring himself to believe that any Gentleman would be hardy enough to propose that. If, then, the Resolution which had been come to by the Committee was not to remain a dead letter, what other course was there for the House to pursue but that which had been proposed by his hon. friend, the member for Rochester? He did not wish to do any thing harsh towards the parties implicated in this affair; but he must say, that he thought the Resolution before the House was scarcely sufficiently strong to meet the case. The Committee had resolved that the bribery and treating which prevailed at this election deserved the serious consideration of the House — was the House prepared to say that bribery and treating during this election, the consequence of which had been the unseating of the two Members for this borough, did not deserve its serious consideration? Would any hon. Member, in the face of the people of England, dare to say so? Was the fact of bribery and treating disputed? Was it doubted? Would any Gentleman propose to expunge the Resolution of the Committee from the records of the House? Unless the House inquired into this matter, it would disgrace itself in the eyes of the public and forfeit its confidence.

Mr. *Pollock* said, that if reference were made to the Report before the House, it would be seen, that the Resolution to which the Committee had come was at least premature, if not absolutely unjust. The Report did not implicate the sitting Members, and it would have been fully justified if a single instance of bribery and treating had been proved previously to, or during the election. All that the Report of the Committee said was, that it appeared to them that bribery and treating did prevail during that period. Why did it say it appeared to them? Because it was not before the Committee to decide whether bribery and corruption prevailed or not. He, for one, did not know until this night what Resolution the hon. Member who had been Chairman of the Committee intended to move upon this subject, and he thought, taking into account the body of evidence contained in the Report of the Committee, that hon. Members should be allowed time for consideration before they were called upon to come to a decision upon the matter. It was impossible for them at once to travel through 450 pages of evidence; and it was only fair, that they should know some time beforehand the scope of the hon. Member's Resolutions, and the extent to which he would go in any measure he might propose to the House. If the hon. Member would bring forward any general measure, the object of which would be to prevent the recurrence of scenes of this kind in every other place hereafter, he (Mr. Pollock) was prepared fully to go with him to that extent; but the House should not come to a resolution that bribery and treating had prevailed in this particular instance, without hearing the parties accused in their defence. The statement of the Committee merely went to show, that bribery and treating appeared to have prevailed—it did not state that it had prevailed. If bribery did prevail, why did not the hon. Member bring in a Bill at once to disfranchise the borough; and where was the necessity of appointing a Select Committee to tell them that it had prevailed? He would put it to the House, whether there was enough in the evidence contained in the Report of the Committee to call for legislative interference to disfranchise this borough?

Mr. *Hardy* would not have troubled the House on this occasion, had it not been for the speeches of the learned Gentleman who had just sat down, and of other hon. Members who opposed the Motion. He differed altogether from those hon. Members. It was only necessary to look into a few pages of the evidence contained in the Report of the Committee to see that bribery and corruption had prevailed to a considerable extent in this borough. It appeared, from the evidence of Mr. Longmore, that after the issuing of the writ, 2,000*l*. had been expended, and it was in evidence that 4,000*l*. had been expended previous to that period. Was there more complete evidence required to prove that bribery and treating had been practised in this borough?

The Earl of *Kerry* would not have addressed the House but that the Resolution of the Select Committee of which he had the honour to form a part had been alluded to, and a complaint had been made that the evidence had not been a sufficiently long time before the House in order to come to a proper adjudication or decision upon the Resolution which had been submitted for adoption by the hon. and learned member for Rochester. Neither the Resolution of the Committee, nor that proposed, involved the question of the disfranchisement of the borough of Hertford, as had been assumed by the hon. member for Bradford and other Members, but sought a further inquiry only. The evidence had already been upward of six weeks on the Table of the House, and the objection on that head was therefore ill founded; neither had he anticipated any opposition to the Resolution before the House on the ground of expediency. In allusion to what had fallen from the noble Lord, the member for Monmouthshire, he must observe, that if such a case as that which he had stated had occurred in a county, the House would not proceed to disfranchise that county, but would adopt such measures as might seem meet for the regulation of its constituency.

Sir *Henry Hardinge* denied, that sufficient time had been given to the House for the consideration of the evidence taken before the Select Committee, which had adjudicated upon the Petition complaining of the Hertford election, and of this the hon. member for Bradford (Mr. Hardy) had himself given a sufficient proof by the quotation which he had made from the evidence. It was too much to judge of a whole case by the extract from the evidence of three or four lines; neither ought the House to determine upon the grounds before it, because the simple question which the Committee had to try had not been whether the borough of Hertford was corrupt or not, but whether the two noble Lords had been guilty of treating. He could not see what the hon. member for Rochester was to obtain by his Motion, for treating before the test of the writ of election was no offence against the law of Parliament, and therefore, if the House took up the Resolution, it would make an *ex post facto* law, and do that which was most unjust. There would also be a great difference between the decision of Election Committees on different cases; and he would take as an instance the Newry case in the present Session. In the Newry case the result of the proceedings had been merely the directions for a criminal indictment against a party concerned in the bribery which it was manifest had prevailed. In the present case an entirely different course was proposed for the adoption of the House, and he must object to any distinction being made between the two cases.

Mr. *Wason* could not make any distinction between treating and bribery, indeed he regarded the first as a worse offence than the latter. It was clear that treating had prevailed in Hertford anterior to the last election, and the simple question was, what would be the best remedy for the prevention of those scenes which had attended the late contest for that borough? With a view to attain that remedy he should support the Resolution.

Mr. *Mildmay* concurred in thinking that no distinction could properly be drawn between bribery and treating; the one poured into the stomach, and the other into the pocket of the individual, whose vote was the inducement. The one inducement presented itself on the wings of a bank note, and the other was conveyed through the steam of gin and tobacco. He concurred in thinking, that time sufficient had not been allowed to hon. Members to go through the evidence in the present instance, which consisted of 450 folios, but that was not to regulate the decision of the House. A Select Committee upon their oaths had reported that bribery and treating had prevailed, both previously to and during the last election for the borough of Hertford. That decision was not to be disturbed; and it was now only sought that a further inquiry might be instituted in order to see how the whole subject was to be disposed of. If the House refused to institute the further investigation, it would not be acting up to the decision, or the verdict, more properly speaking, which the Committee had delivered. That inquiry he should support, for he could not conceive a worse man in existence than he who, possessed of wealth and education, pandered to the sensual appetites or pecuniary advantages of individuals in bartering for the rights, interests, and liberties of their country.

Sir *Henry Willoughby* contended, that no evidence had been adduced to prove bribery. It was true that it appeared that a man of the name of Peter went on St. Crispin's-day and asked Mr. Longmore for half-a-crown, and received 5*s*., and that another individual had stated that he was ready to be bribed, but he could get no blunt. The hon. Member, amidst continued cries of "Question," was understood to express his determination to oppose the Motion.

Mr. *Ward* supported the Resolution. He had received a petition upon the subject, signed by 162 most respectable inhabitants of Hertford, which afforded a fair criterion of the feeling in that borough in favour of an inquiry into its present state. Many of the petitioners had not voted at all, and the others were constituted of both the conflicting parties. There was, however, another feature in the case to which he felt bound to allude—namely, the system of intimidation which had been practised and still continued. It had been hoped that with the election the intimidation by a gang of bullies (a name familiar to the Members who had composed the Committee) would terminate; but it had continued and was daily practised; the same gang of bullies still mustered to the sounds of the bugleman, also well known in the Hertford contest. Individuals of the gang had been brought before the Municipal Magistrates of the borough for assaults, and one had been discharged, and the other merely held to bail on his own recognizance of 5*l*., and in other outrages the Magistrates had refused to interfere.

Lord *Granville Somerset* rose to order. He could not see in what manner these circumstances could apply to the question before the House; they did not at all bear upon the subject.

The *Speaker* said, that he took it for granted that the hon. Member would bring his observations to bear upon the Motion before the House, and that he meant to make some proposition for the consideration of the House.

Mr. *Ward* conceived that the facts to which he had alluded called for serious consideration. It had appeared, that the Mayor of Hertford had given a plot of ground for a gang of gipsies, whose business during the election was intimidation, to encamp.

The *Speaker* begged to remind the hon. Member of the terms of the Resolution which had been proposed, which was, that the bribery and treating which prevailed at and previous to the late election for the borough of Hertford, deserved the serious consideration of the House.

Mr. *Ward* still contended that the facts he was prepared to state, and which were vouched by affidavits now in his hand, were fit subject matter for inquiry. He should avail himself of the earliest opportunity of bringing the subject before the House. With reference to the Resolution, he should give it his support, at the same time protesting against the total disfranchisement of the borough of Hertford, which contained many respectable persons of all parties.

Mr. *Goulburn* would detain the House but a very few minutes. The Resolutions of his hon. friend appeared to him highly objectionable; for the object of his hon. friend was to appoint a Committee, not to inquire into the existence of extensive bribery and corrupt treating in the borough of Hertford, but to devise means for punishing that, to the existence of which it appeared he had made up his mind, and which, he therefore assumed, the House would as readily credit, and act upon. They had before them the indictment, certainly; but was it fair to call on them to proceed to judgment, without first going through that stage, which appeared to him to be no unnecessary form—namely, an impartial trial, where the accused party would have, at least, an opportunity of defence afforded him. Allusion had been made to the case of Newry; he begged leave to read to the House the recommendation contained in the Special Report of the Committee. In the case of Newry, the Committee reported that bribery prevailed to a considerable extent in that borough; whereas, in the instance before them, all that was alleged by the Committee was, that bribery and treating prevailed, without saying to any extent; and they were, therefore, called upon to punish this constituency for what might turn out to be merely a few individual cases. It was the extent of corruption alone which could be considered to constitute a crime on the part of the borough generally. The case of Newry, a borough containing a constituency of about 600, was, in all its circumstances, very analogous to that of Hertford; and there the Resolution of the Committee was, that the Attorney General should prosecute the individuals who were most prominently engaged in these corrupt practices. He regretted that a similar plan had not been adopted on the present occasion; but, at all events, he trusted that the House would not stultify its already declared opinion by coming to a Resolution condemnatory of the borough, without hearing its defence. If he really thought that bribery prevailed to a considerable extent in Hertford, he should most certainly desire that an opportunity of establishing or refuting that fact should be given; and no one would be more ready than himself to punish the offenders, if this could be proved. But he did not think a sufficient case had been made out to warrant the adoption of such a course; and he, therefore, certainly could not concur in a Resolution which was to be followed by another, having for its object either the total disfranchisement of the borough of Hertford, or the swamping of that constituency with new voters; thereby rendering the franchise comparatively valueless. He would satisfy the impatience of the House, and conclude by expressing his determination, on these grounds, to oppose the Motion.

Lord *John Russell*,—after the able speech which had been made by his hon. friend in opening the question which was totally unanswered, should not have thought it necessary to trouble the House, had it not been for some observations which he had recently heard. The defence which had been set up in the present case, was precisely the same as had been set up on all former charges of bribery and corruption. The right hon. Gentleman had contended that the effect of the proposed Resolutions was, to condemn the borough of Hertford without trial. He was surprised at such an argument. The ultimate consequence of this Resolution, if adopted, would be the preparing a Bill which would be introduced into that House. On that Bill the electors of the borough might obtain leave to be heard by their witnesses and Counsel at the Bar of the House, as was done in the instance of East Retford, and after the Bill should have passed that House, it would have to undergo the same ordeal in the House of Lords, and this was what the right hon. Gentleman called condemning without trial. The cry of those who opposed such a visitation on the offending electors as was now proposed, was, that there were already laws and penalties enough against bribery, and that they should be carried into effect; nor did they object to any general measure that could be proposed against bribery, provided it could not be applicable to particular cases when they occurred. It really was a pity that the zeal which those Gentlemen exhibited against bribery in the abstract should be so lamentably deficient when individual instances were brought before them. He was surprised that his right hon. friend, the member for Montgomeryshire, should consider the treating in the present instance as so venial an offence, for he remembered when he first entered that House, there was no Member who denounced such practices with more zeal than that right hon. Gentleman. Indeed, in that respect, they had frequently differed, he (Lord John Russell) thinking that some allowance was to be made for the temptation to which the poor electors were exposed, whilst his right hon. friend was always for sending them to prison. But now his right hon. friend thought the best thing was to hush it up. The evidence of Mr. Nicholson was alone quite sufficient to convince his mind that the borough of Hertford had been for some time in a very corrupt state. It appeared, then, that 2,500*l.* were expended before the test of the writ. Tickets of refreshment, as they were called, were issued out; and Mr. Nicholson spoke of about 400 applications —applications certainly not to be registered—but for some purpose perfectly intelligible. He was perfectly ready to vote for the Motion, and that by which it was to be followed, considering it the duty of the Committee, not to bring in a bill, but to declare what they think the best means to promote the purity of the borough. He trusted they would not stop in their efforts to preserve purity of election. They had already got rid of the abuse of seats being sold by individuals—let them now get rid of the remaining abuses, springing from the corruption of a small class of voters. It was their bounden duty to set their face against such practices. He declared that with respect to any of those boroughs where bribery and corruption prevailed, unless very satisfactory proof were offered to set aside the previous evidence, he would never consent to issue any writ to those places during the present Parliament.

Mr. *Bernal* replied: It was his perfect conviction that the state of the borough of Hertford was one of complete corruption. Out of the 2,500*l.* expended before the *teste* of the writ very little was paid for the expenses of registration; full 1,700*l.* was devoted to corrupt treating alone, which was expended by Messrs. Nicholson and Dack; and yet Gentlemen could be found to call on that House to declare to themselves, and to their constituents, that it was not improper to circulate tickets guaranteeing the payment of their amount in cash over the whole town of Hertford, under the deceitful guise of refreshment tickets; such tickets enabling the persons possessing them to go, as they did, into the shops of the various tradesmen of the town and purchase with them any articles of which they might stand in need. Was this the bread-and-cheese refreshment which the right hon. member for Montgomeryshire eulogized? It should not be forgotten that the exclusion of non-resident freemen had cut off one very fertile source of corruption and expense, and, therefore, there was no longer the same excuse for treating as formerly existed. Out of 650 an overwhelming proportion had received these tickets, which it was absurd to treat as the effusions of English hospitality; in his opinion it was bribery, and nothing else. Such bribery might be small in its individual distribution, but it was wholesale and gross in its general consequences. In short, they had here a case, and, if they did not choose to be wilfully blind, it imperatively called on them to do something. He denied the statement that the Report did not set forth the extent and general prevalence of bribery and corruption in Hertford. He was also at a loss to understand what his right hon. friend meant, by urging that the proposed Committee was to devise a punishment—it was not to devise a punishment, but to prevent the future occurrence of such transactions.

Mr. *Goulburn:* You punish Hertford by throwing in the circum-adjacent places.

Mr. *Bernal:* His right hon. friend had also referred to Newry—but what had Newry to do with this case? The Committee had decided on the present course, and he thought the Members had done their duty; and he was doing his in carrying their recommendation into effect. He, of course, did not mean to intimate that the members of the Newry Committee had not also done their duty. Allusions had been made to the cases of East Retford and Penryn, but they were not analogous, for there the proposition was to take away the franchise altogether, and transfer it to other places, whereas it was proposed to incorporate other districts with the borough of Hertford. It had also been asked why he had not brought in a bill in the first instance, but considering the number of populous circum-adjacent places in the district of Hertford, he felt it more advisable that it should be dealt with by a Committee. It had been erroneously stated, that the Reform Bill had already extended the limits of the borough of Hertford to a radius of ten miles [" *No, a circumference*"]. He begged pardon; but even that was a mistake, for the extension of the limits of the borough was merely the limits of its Corporate jurisdiction.

The House divided on the Motion—Ayes 227; Noes 55: Majority 172.

List of the NOES.

Archdall, General
Ashley, Lord
Ashley, Hon. H.
Attwood, M.
Bankes, W. J.
Baring, H.
Baring, F.
Bateson, Sir R.
Blackstone, W. S.
Chandos, Marquess of
Christmas, W.
Cole, Viscount
Cole, Hon. A.
Conolly, Colonel
Corry, Hon. H. L.
Daly, J.
Dare, R. W. H.
Darlington, Earl of
Dugdale, W. S.
Estcourt, T. G. B.
Finch, G.
Forster, C. S.
Gaskell, J. M.
Gladstone, W.
Goulburn, Rt. Hon. H.
Grant, Hon. Colonel
Gronow, Captain
Halford, H.
Hanmer, Sir J.
Hardinge, Sir H.
Hayes, Sir E.
Hope, H. I.
Inglis, Sir R. H.
Irton, S.
Jermyn, Earl
Lincoln, Earl of
Miller, W. H.
Nicholl, J.
Norreys, Lord
Perceval, Colonel
Powell, Colonel
Ross, C.
Shaw, F.
Somerset, Lord G.
Stewart, E.
Stewart, J.
Stormont, Viscount
Stuart, C.
Tyrell, Sir J. T.
Verner, W.
Villiers, Viscount
Vyvyan, Sir R. R.
Walsh, Sir J.
Willoughby, Sir H.
Young, J.

TELLERS.

Pollock, F.
Wynn, Right Hon. C.

VOTE BY BALLOT.] Mr. Bernal moved, "That a Select Committee be appointed to consider and report upon the best means of preventing bribery and corrupt practices at all future elections for the borough of Hertford."

Colonel *Evans* observed, that the object of the hon. Member was to extend the constituency, by taking in a district extending two and a half miles beyond the present limits of the borough, and he expected to obtain the desired purity in the elections by this extension of the constituency. The hon. Member seemed to rest his whole case upon this, arguing that no act of bribery had been alleged to have taken place in the county. He (Colonel Evans), for his part, could not conceive how extending the constituency would produce purity of election. He saw no real and effective remedy for corrupt practices but the ballot; and he, therefore, thought they had now a very fine opportunity to try the question of the ballot. He should, therefore, move, as an Amendment, that "gross bribery and treating having prevailed during the last election for the borough of Hertford, it is expedient, with a view to the better management of the election for the same, that the members to represent that borough should in future be elected by ballot."

The Speaker having put the question,

Mr. *Kemyss Tynte* observed, that he had not always been a friend to the ballot; but he confessed that the circumstances of his sitting, as a member of the Committee on the Hertford election had decided his opinion upon the subject; and he should support any measure for introducing it. If his gallant friend divided the House, he should feel bound to support him.

Mr. *Edward Stanley* said, it was very probable, that the ballot might turn out to be one of the modes for effecting the objects which they had in view; but he thought it would be better to leave it to the Committee to determine whether it was the best method which they had it in their power to adopt. He thought, certainly, that the present was not a bad opportunity for making a trial of the ballot—an *experimentum in corpore vili;* but at the same time he thought it ought to be left to the Committee.

Mr. *O'Connell* said, he wished his hon. and gallant friend (Colonel Evans) to consider whether his Motion would not tend to defeat his own object. He was quite aware of the paramount importance of the ballot; but he thought its effects, in a small constituency, would afford a less favourable opportunity of tracing its operation than that which would be afforded if the constituency were extended. The only fruits which they could anticipate from the introduction of the Ballot into a borough in which such miserably low and depraved corruption had prevailed, would be, the return of some hon. Member by means of Twaddle, Dack, or some other person bribing the whole of the electors. He hoped, therefore, that his hon. and gallant friend would allow the Committee to be appointed, and the constituency to be enlarged. He might then move the introduction of the Vote by Ballot, when he should certainly command one vote at least in favour of it. For these reasons, he would respectfully implore his hon. and gallant friend to withdraw his Motion.

Colonel *Evans* said, the hon. and learned member for Dublin contended, that his proceeding on the present occasion tended to defeat his own object. He (Colonel Evans) was of opinion, that the Vote by Ballot would secure purity of election, even if the borough of Hertford were to continue to be a small borough. His object, however, was not confined to the borough of Hertford. His object was in this case to endeavour to gain a great principle. He, therefore, differed from his hon. and learned friend in this respect. At the same time, if it should appear to be the opinion of the House that he ought to pursue a different course, he had no objection to shape his Amendment as a recommendation to the Committee.

Mr. *O'Connell* said, if the hon. Member's Amendment succeeded, it was plain that there would be no Committee.

Colonel Evans withdrew his Motion, and the Committee was appointed, and the issue of the writ suspended till July 1st.

CARRICKFERGUS ELECTION.] Mr. *O'Connell* said, he had a similar case to bring forward—that of the borough of Carrickfergus, the time for not issuing the writ for which expired that day. He would beg that the Report of the 15th of April be read, which was done as follows:—'That the most 'gross and scandalous bribery appears to 'have prevailed on both sides at the late 'election for the town and county of the 'town of Carrickfergus; and that, although 'it does not appear that Conway Richard 'Dobbs, Esq., did personally take any 'part in such bribery, yet that his return 'was procured by his agents and friends 'by bribery; that a great proportion of 'the constituency, composed of freemen 'of the corporation, have been influenced 'solely by bribery in giving their votes at 'the late election; and it appears to the 'Committee, that similar corrupt practices 'have prevailed at former elections for the 'said town and county of the town of 'Carrickfergus.' The hon. Member then proceeded; it was his intention to comprise what he had to say in the shortest possible compass. His purpose was, to move for leave to bring in a Bill for the total disfranchisement of the borough of Carrickfergus. If it were possible to bring the whole evidence before the House, he entertained no doubt of his being able to induce them to permit him to bring in the Bill which he proposed. The county of Antrim, in which the borough of Carrickfergus was situated, returned five Members exclusive of that borough, and therefore he thought that the district in which the borough was situated was already sufficiently represented. There was another ground on which he considered it adviseable to disfranchise the borough—he meant the smallness of the constituency. It consisted of a single parish containing 8,698 inhabitants. Before the passing of the Reform Bill, the voters consisted of thirty-nine freeholders and 812 freemen; in all 851. Out of all these there were only thirteen 40*s.* freeholders. The present number of voters was 1024, of whom 948 voted at the last election, 498 for the sitting Member, and 450 for Sir A. Chichester. The influence in the borough had been disputed between the Earl of Donegal, and the Marquess of Downshire, and the former had in the end prevailed; but the bribery had been universal. He had analysed the poll-books—dividing the particulars into isolated cases, as explained in the evidence which had been laid before the House. The first case to which he would refer was that of Alexander Hallerton—a case which showed the effrontery with which bribery had been carried on. The next case to which he would refer was that of James Hunter, who had received bribes from both parties; 7*l.* 10*s.* for the sitting Member, and 5*l.* for the candidate he voted for. Another case to which he would call the attention of the House, was one of the most open, undisguised, and profligate character, where the wife of a voter was paid 20*l.* in the street, for the vote which her husband had given. He regretted the hour was so late, as he had prepared a digest of evidence, which would not fail to satisfy the most sceptical, of the gross proceedings which had taken place. He would, however, mention a fact connected with the bribing of a family named Harper. There were three of them, having a vote each: the father and two of his sons. One came; he was offered 10*l.*, under the supposition that he was the only one possessed of the right to poll. A second came; and he was offered 10*l.* also. A third came; and the agents struggled hard to run his price down to 7*l.* It was resisted; and at length a pocket-book was procured, notes to the amount of 30*l.* were deposited in it, and it was confided to the care of a trustee. The trio went up and polled, and immediately afterwards, in the open street, without the slightest concealment, the pocket-book and its treasure was handed over to the profligate voters. Another witness who had been examined before the Committee, was George M'Cann, who admitted he got, at one time, upwards of 120*l.* for general election purposes. He was not, he said, exactly an agent, but he was very active indeed. This money he got from one Legg; and, in reply to a question why, and on what ground he had got it, his reply was, "Most likely to give it to voters." The voters he negociated with were in the interest of Mr. Dobbs; and he did not deny, nay, he admitted, that he who gave him the money expected, "most likely," that it would be distributed amongst the wives of the voters. James Penny, another general agent for bribery, actually produced to the Committee a list of those individuals whom he had corrupted, acknowledging the sums which he had given, none of which exceeded 10*l.* per vote. The money, according to his own words, was given him "to make the best use of he could." He managed to get one vote so low as 1*l.* 17*s.* Well, then, he came to this Legg, Daniel Legg, attorney, Lisburne, Antrim, who admitted having given money for these vile purposes, and whose hesitation was only as to the amount thereof. He admitted they bribed everyone they could, and, as an excuse for such conduct—a fact which showed the enormity of the system he wished to annihilate—said they were forced to it by the opposite party, and that they had allowed that party thirty-six hours' start before they began to bribe. They corrupted, he said, the great mass of electors, for they were poor, and could not withstand their offers. There was, however, equal bribery amongst the 10*l.* householders. An agent of the name of Cohen, swore that he knew of some hundreds who had been bribed, not one of whom received under 5*l.* This witness said, he had himself bribed upwards of 200 to vote for Sir Arthur Chichester, and as an excuse, said there was no getting them to the poll at all without doing so. But the evidence which spoke most emphatically to his mind was that of the Reverend G. Chaine, a clergyman of the Church of England, who swore, that he gave 950*l.* to Legg for the purpose of corruption—500*l.* of which he had obtained from the Conservative Society of Ireland, and the rest he had borrowed on his own account from Mr. Luke, a banker, at Belfast. "The impression on his mind (said the Reverend Gentleman) was, that the election could not be carried by any other means than bribery." After such evidence, he (Mr. O'Connell) put it to the House as a solemn duty, to act boldly and decidedly. It might be said, that he, who proposed this measure, ought to suggest where the franchise would be advantageously bestowed. That duty did not by right fall upon him. He declined such responsibility for many reasons. One of them more particularly was on the score of delicacy, differing, as he did, in his religious opinions from those entertained by the inhabitants of that part of the country. The House would not, therefore, think him wrong in disclaiming all responsibility upon that part of the question. The hon. Gentleman concluded by moving the following Resolution: "That the most gross and scandalous bribery appears to have prevailed on both sides, at the late election for the town and county of the town of Carrickfergus; and that although it does not appear, that Conway Richard Dobbs, Esq., did personally take any part in such bribery, yet that his return was procured by his agents and friends by bribery."

Mr. *Shaw* had received a petition, and presented it to the House, from the town of Carrickfergus, most respectably and numerously signed, disclaiming, on the part of the petitioners, all participation in any system of bribery, and praying, that in any measure adopted by the House, the innocent might not be confounded with the guilty. It would be uncandid not to admit, that the hon. and learned Gentleman (Mr. O'Connell) had made out a *prima facie* case; and as he proposed a course which would give to all parties a full and fair opportunity of defending themselves, he should not feel justified in opposing the present stage of the proceeding.

Sir *Robert Bateson* said, that he had been intrusted with a petition from the guild of fishermen of Carrickfergus, stating, that they were not bribed at the last election, and that an attempt having been made to bribe them which they resisted, and then having voted contrary to the wishes of one of the parties, a conspiracy was formed to deprive them of their hereditary rights. They claimed the privilege of being heard in that House before rights were taken from them. The hon. and learned Gentleman stated, that the county of Antrim already possessed five Members, and he insinuated, that he thought that more than its share. The House, however, ought to recollect, that Belfast, the greatest commercial town in Ireland, was situated in that county, and that the county of Antrim itself was the seat of the only manufacture which Ireland could now boast of. No person could reprobate the practice of bribery more than he did; he would say, that the House was bound to put a stop to it. He trusted, however, that the displeasure of the House would fall equally upon the bribers and the bribed, and that whatever means might be taken to punish the guilty, the innocent portion of the constituency would not suffer. The hon. and learned Gentleman had drawn a very glowing picture of the baneful effects that must follow bribery. He coincided in opinion with the hon. and learned Gentleman, but as yet he was glad to state the morals of the inhabitants of Carrickfergus had not been contaminated. The three last Assizes in that town had proved maiden, and the Judges of Assize were presented on each visit with a pair of fringed gloves. The jails were, in fact, without a single prisoner. The rules of the House did not permit him to present the petition at that time, but he thought it right to state its contents.

Mr. *Emerson Tennant* said, that in any observations which he should make on the Motion of the hon. and learned member for Dublin, he would not be understood as wishing to screen those whose guilt had been most unequivocally proved; but to prevent the innocent from being visited indiscriminately with the consequences of the delinquency of the guilty. He conceived, that sufficient proofs could be adduced both from the statements of the hon. and learned Gentleman himself, as well as from those parts of the evidence to which he had appealed, which he had not thought proper to read, that a case had not been made out for the disfranchisement of the town, however there might be for the disfranchisement of the freemen, against whom the bribery had been proved. The House, too, should recollect, that in dealing with those they had to do with a body of men whose practice had not only been proved to be corrupt, but whose franchise was of an evanescent value, and must end with the lives of the present electors. Was it therefore fair to inflict a permanent injury on the town for the derelictions of a body of men who could be regarded as exercising merely a temporary privilege? Besides, the hon. and learned Member himself had shown, that of the 800 freemen who enjoyed the franchise, not much more than thirty-five were freeholders, and these of the lowest class. He happened to know the localities of Carrickfergus, and he was convinced other Members in the House could attest his accuracy, when he stated, that if such was the present state of the franchise, it was imperfect, and very many more of the inhabitants must be entitled to qualify than had yet claimed—in fact, that the electors were imperfectly registered. And again, what was the state of the case as to those two distinct classes of electors, the freemen, and the freeholders? Bribery had certainly been proved against the one, but he denied, that it had been so proved against the other. The very evidence which the hon. and learned Gentleman had referred to would suffice to prove this. It would be proved by the very agents of the parties themselves; by the very men who conducted the bribery complained of. And what did they state? At page 99, of the Committee's Report, Mr. David Legg, the agent of Mr. Dobbs, is asked whether he was aware of bribery on the part of any of the new constituency—that is the householders, and what is his answer? "No, I cannot at this moment recollect any. Do you know of a case of any householder being bribed? I do not." Then, on the other hand, there was the friend of Sir Arthur Chichester, equally cognizant of the facts, stating the same opinion. Mr. Cohen, when asked whether of the 200 electors whom he knew to be bribed, any were householders, replied that he did not know an instance of any householder but one. As it seemed to be the feeling of the House, that the hon. and learned Gentleman should be permitted to bring in his Bill, he would not oppose its introduction; but he most certainly should give a decided opposition to any attempt to deprive the whole town of its franchise for corruptions confined exclusively to one class of the electors.

Lord *Althorp* said, that after the statement of the hon. and learned Gentleman, there was not a Member who could not think that it was right a bill ought to be introduced. According to that statement, the bribery was so general, that it was difficult to make any distinction as to any part of the constituency; but in giving his hearty consent to the bringing in the Bill, he reserved to himself the right, if he found any one class sufficient to form a constituency which had not been bribed, to prefer a partial to a total disfranchisement.

Mr. *Wynn* said, there never had been a clearer case for the interference of Parliament; at the same time every facility ought to be afforded to the electors who wished to make out a case.

Sir *Robert Bateson* said, that he could not permit that occasion to pass without stating, that the circumstances that occurred in Carrickfergus, were without the knowledge or consent of the late Member, Mr. Dobbs. It was clearly proved in the face of the evidence, that such was the fact, but were it not so, no person who had the pleasure of his acquaintance could, for a moment, suppose him capable of sanctioning such conduct. A more upright or estimable man than Mr. Dobbs did not exist.

The Resolution was agreed to.

The Issue of the Writ for the borough of Carrickfergus was suspended until the 1st day of July, and the hon. and learned Member obtained leave to bring in a Bill to disfranchise the borough.

HOUSE OF LORDS,

Thursday, May 30, 1833.

Minutes.] Bill. Read a second time:—Limitation of Actions.

Petitions presented. By Earls Grey and Radnor, from two Places in Scotland, for an Alteration of the Existing Law of Church Patronage in Scotland.—By the Earl of Malmesbury, from Pluckley, for the total Repeal of the Malt Duty.—By Lord Cloncurry, from Clara and Tullamore, for the Abolition of the Punishment of Death.—By the Marquess of Downshire, and Earls Grey and Roden, from several Places,—for the Better Observance of the Lord's Day.—By a Noble Lord, from Bruton, and two other Places, against the Sale of Beer Act.—By the Earl of Radnor, from a Parish in the City of London, against the Assessed Taxes.—By the Earl of Kinnoul, from the Surgeons, &c., of Perth, for the Amendment of the Apothecaries Act.—By Earls Grey and Roden, and Lords Suffield, and Dundas, from a Number of Places,—against Slavery-—By Viscount St. Vincent, from the County of Ross, for a fair Compensation to the West-India Proprietors and Slave Owners.—By the Earl of Verulam, and Lords Wharncliffe and Wynford, from several Places,—against the Local Jurisdiction Bill.—By the Earl of Roden, from a Parish in Cork, against the Irish Church Reform Bill.

Abolition of Slavery.] Lord *Cloncurry* on presenting petitions from Clara and Tullamore for the Abolition of Slavery said, he did not admit the right of any person, whatever, to hold any human being in Slavery; but it was desirable that the House should be satisfied, before making any alteration in the present law, whether they were likely to improve the condition of those whom it was the particular object of such measure to benefit. At present, their Lordships were in possession of very little information on the subject. It appeared to him that the means taken to prevent the traffic in slaves had hitherto been defective and, in some instances, productive of acts; of horrible barbarity. It sometimes happened that a ship, with slaves on board, was chased — and the whole of them during the chase were thrown into the sea, and no slaves being actually found on board, no capture could be made; but the vessel and her crew were allowed to proceed to commit new enormities with the prospect of the recurrence of a like horrible and appalling catastrophe. The Abolition Acts, therefore, and the system founded upon them, led to the commission of greater atrocities than those which they were intended to extinguish. There was another point, on which it was necessary their Lordships should be informed, and with respect to which, he was for one, ignorant — namely, the condition of the slaves in our colonies, as compared with their condition before they became slaves;—whether captured in war, or kidnapped on the coasts or up the rivers of Africa. He should like to know whether they were not now in less danger of life and limb, and in a better condition with respect to subsistence, than they were in their native homes? Every consideration ought to be given to the interests of the West-India proprietors, because, with every wish to give emancipation to the negro, it was impossible to overlook the fact that it was most difficult to effect that object without entailing an overwhelming loss upon those who had hitherto held this species of property, under the sanction, the encouragement, and the authority of the Legislature. At the same time, some plan might be adopted for the gradual restoration of the slaves to freedom, similar to that which had been carried into effect in some of the States of America.

Petition laid on the Table.

The Duke of *Wellington* presented a petition from the merchants, planters, ship-owners, and other inhabitants of his Majesty's colony of Dominica. It had been put into his hands, the noble Duke said, in December; but, as an inquiry into the subject was then going on, he had declined to present it. It had now, however, been returned to him for presentation. The petitioners apprehended the greatest evils from the adoption of the measures with respect to the West Indies, proposed by his Majesty's Ministers. They were the descendants of persons who, having been conquered by his Majesty's arms, were, by what was called the Treaty of Paris, confirmed the subjects of this country. Many of their ancestors had purchased the estates which they now held of the Crown—a property which had been possessed for fifty or sixty years; and what they desired was, either that they should be protected in the enjoyment of that property, or that they should be allowed to cede it to his Majesty for a valuable consideration. In his opinion this latter request was well worthy the attention of their Lordships, and his Majesty's Government. The petitioners, one and all, offered their estates for a certain sum of money, stated by them. Now, if those estates were purchased by the Crown, his Majesty's Ministers would be enabled to try any experiments with them they thought proper; and if those experiments were found to answer in a colony where the property belonged to his Majesty, they might then, perhaps, be advantageously introduced into the colonies where the property belonged to private individuals.

Lord *Suffield* was not surprised that persons who had purchased stolen property, like a man who had purchased a stolen horse, should be glad to get their money back.

Viscount *Beresford* wished to know how the noble Lord could call it stolen property. Who had stolen it?

Lord *Suffield* replied, that the question was not who had stolen it, but in whose possession the stolen property was.

Viscount *Beresford* was at a loss to know how the noble Lord could prove that the property had been stolen.

The Duke of *Wellington* observed, that many Acts of Parliament had acknowledged the property in question. What he was prepared to contend was, that the planters had as much right to the property adverted to, as their Lordships had to their estates. If the Lord Chancellor were applied to on a question of West-India property to-morrow, he must decide it as such. By the law of the land, no Englishman could be deprived of his property unless by an Act of Parliament granting him compensation.

Lord *Suffield* rejoined that no man could be deprived of his natural rights by an Act of Parliament.

PAYMENT OF DEBTS.] The *Lord Chancellor,* in moving the second reading of the Bill for ensuring the payment of Simple Contract Debts, observed, that its object was, to do away with the anomaly which existed in the law of debtor and creditor in this country, by compelling persons to do what every honest man does without compulsion—namely, to subject his real estates to his just and lawful debts. As the law stood at present, so long as the party lives, there was no distinction between simple contract debts, and other debts; but after the death of the contractor of simple contract debts, at present his estates were no longer liable. The consequence of this was, that persons might do what had not unfrequently been done—might obtain possession of considerable funds upon note of hand, as a simple contract debt only, and having invested those very funds in the purchase of real property, if the party who had obtained those funds died before judgment had been obtained against him, and left the real estate, the fruit of this fraudulent transaction, to an heir or devisee, the creditor was not, according to the present state of the law, able to recover one farthing. Many thousands of pounds had been obtained in this way, and, in his opinion, the opprobrium which such a state of things was calculated to bring upon the whole system of our jurisprudence, must far outweigh any advantages which might be supposed likely to arise from it. Nor was the inconvenience entirely confined to those who actually had a fraudulent intention in contracting such debts, but it frequently happened that parties who really intended to satisfy their creditors to the utmost, from inadvertence neglected to make such a provision in their wills as would suffice to carry their intention into effect; in which case also the simple contract creditors would have no right to make any claim upon the owners of estates purchased with their funds. The subject having been at various times fully discussed, he thought it unnecessary further to enlarge upon the subject at present. He should move the second reading of the Bill, but with the intention, in consequence of the absence of his noble and learned friend, the Lord High Chancellor of Ireland, of confining it for the present to this country, though he rather thought the Bill formerly brought in was not confined to this part of the kingdom. As to Scotland, where no law exonerating real estates as in England existed, there was no occasion for including it in the provisions of the Bill. This course with respect to Ireland was rendered more necessary, because it had been thought advisable to include lands held by copyhold, by customary and other tenures, as well as freeholds under the provisions of the Bill.

Lord *Wynford* said, he would not oppose the Bill, but announced his intention of moving, as an Amendment, in the Committee to limit the enactments of the Bill to such debts as were acknowledged by a note in writing.

The *Lord Chancellor* observed, that his noble and learned friend had privately communicated to him the substance of his Amendment. Much, however, would depend upon the manner in which his noble and learned friend should frame the clause; for, according to his present explanations, it would have the effect of taking a great many cases of breach of trust out of the operation of the Act. In the case of an infant, for instance, difficulties might occur. For his own part, he was more inclined to extend than to contract the operation of the Statute of Frauds.

The Earl of *Wicklow* stated his surprise at the objections to extending the Act to Ireland, considering the ample discussion which it was admitted had already taken place on the subject. He regretted that, in the case of a law intended for the benefit of society, it should be thought necessary to make an exclusion in the case of Ireland.

The *Lord Chancellor* said, he had explained why he thought it advisable to postpone the consideration of the question as it regarded Ireland. It was advisable to consult his noble and learned friend the Lord High Chancellor of Ireland, whether that country was not placed in a different situation from England with respect to copyholders. He had much rather, if it were possible, that it should be extended to Ireland at once.

The Earl of *Wicklow* thought the whole Bill might be postponed for one week. He had understood that there were few or no copyholders in Ireland.

The *Lord Chancellor* observed, that the Bill was now general, and the leaving out of Ireland could be done in the Committee upon the Bill, or on bringing up of the Report. The Committee might be deferred till the time desired by the noble Lord.

Bill read a second time.

INHERITANCE BILL.] On the Motion for the Second Reading of this Bill,

The Duke of *Wellington* must take that opportunity to complain of the manner in which this and other Bills relating to real property had been carried through both Houses up to the present stage. There had been no discussion of the principle of any one of them, and he for one person had no knowledge whatever concerning them.

The *Lord Chancellor* said, the reason of the little attention which had been paid to the Bill in the lower House was, that the two latter of the three Bills which had just been brought before their Lordships had been introduced by his learned friend the late Sir Samuel Romilly, and had repeatedly obtained the concurrence of the House. They had now been introduced by the son of that eminent Gentleman and had passed in silence. Other Bills on similar subjects had been introduced last Session by the present Solicitor General, but not in his official capacity, but as the Chief Commissioner for the inquiry into Real Property; and several of the Bills then underwent great discussion. On that occasion there had been one or two divisions on the Inheritance Bill. Five Bills in all had emanated from the Real Property Commission; the three which had just been brought before their Lordships, the Fines and Recoveries' Bill, and the Dower Bill.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, May 30, 1833.

Minutes.] Papers ordered. On the Motion of Mr. Alderman Thompson, a Return of all Foreign Wines and Spirits, Imported for Home Consumption in the last ten years, of all Foreign Wines and Spirits Exported, and of all such remaining in Bond on the 5th January, 1833.—On the Motion of Lord Lowther, an Account of the Number of Tons of Coal Exported from the Ports of the United Kingdom to the Mediterranean, from the commencement of the Act 1st and 2nd William 4th, cap. 16, to the latest period.—On the Motion of Mr. Parker, a Return of the Weight of Wrought Silver Plate Manufactured in Great Britain and Ireland, from 1803 to 1813, and from 1823 to 1833: also the Weight upon which the Export Drawback has been allowed in those periods respectively.—On the Motion of Mr. Sergeant Perrin, an Account of the Number of Persons Tried at the last Spring Assizes, in the Counties of Monaghan, Armagh, Antrim, and Down, and how disposed of, with other Circumstances concerning the said Assizes.

Bills. Read a second time:—Consolidated Fund; Stamp Duties; Dramatic Performances.

Petitions presented. By the Solicitor General, Captain Bayntun, and Messrs. Macaulay, Fowell Buxton, H. Ross, Davenport, Bish, J. Smith, Richards, Pease, Cookes, and Harcourt, and an Hon. Member, from a great Number of Places,—against Slavery.—By Sir F. Blake, from Galway, for Compensation to the Slave Owners.—By Lord Grimston, Admiral Fleming, an Hon. Member, and Messrs. Ward, H. Ross, and Harcourt, from several Places,—for the Better Observance of the Lord's Day.—By Mr. Methuen, from Cowham, for the Amendment of the Sale of Beer Act.—By Mr. Buckingham, from Sheffield, for the Repeal of the Corn Laws.—By Mr. Alderman Thompson, from the Shipwrights of Sunderland, against Unequal Taxation on Ship Building Materials.—By Colonel Seale, from Dartmouth, for an Inquiry into the State of the Shipping Interest.—By Sir Charles Coote, from Queen's County, for an Alteration in the Grand Juries (Ireland) Bill.—By Mr. Slaney, from Shrewsbury, for an Inquiry into the Incorporated Companies of that Town.—By Captain Bayntun, from a Dissenting Congregation of York, in favour of the Parochial Rates Exemption Bill.—By Mr. Pease, from Darlington, and other Places, against the General Register Bill.—By Mr. Ward, from Hertford, against a System of Terror practised in that Borough by a Party.—By Mr. Strickland, from the Woollen Manufactures of the West Riding of Yorkshire, against the Act 1st George 1st, cap. 23.—By Mr. Buckingham, from Sheffield; and Colonels Evans, and Gore Langton, from Hastings and St. Leonard's,—against the Assessed Taxes.—By Mr. Richards, from the Licensed Victuallers of Harrowgate, to place them on the same Footing with other Shopkeepers in regard to the Assessed Taxes.—By Mr. Buckingham, from the Political Union of Sheffield, against the Malt Tax.—By Mr. Divett, from Launcells, near Stratton, for an Inquiry into the Administration of certain Charitable Bequests to the Poor of that Parish.—By Lord Dalmeny, from Dunfermline, for an Alteration in the Scotch Reform Bill.—By Mr. Gaskell, from two Places, for the Liberation of Robert Taylor.—By Lord Grimston, from Sherley, in favour of the Factories' Regulation Bill.—By Mr. H. Ross, from Dundee, and other Places in Scotland, in favour of Irish Church Reform; and by the same, and Admiral Fleming, from several Places, for an Alteration in the Existing System of Church Patronage in Scotland; and also by Mr. Ross, from a great Number of Places in Scotland, for Alterations in the Royal Burgh's (Scotland) Bill.

Poor Laws (Ireland).] Mr. *James* presented a Petition from the Select Vestry of Carlisle, praying for a system of Poor Laws for Ireland. The petitioners complained, that the emigrant Irish poor superseded the native labourers of the place; that wages were consequently depressed; and that English labourers were thus in many cases thrown on their several parishes. They also complained of the great burthen the Irish poor were to those parishes, as they had often to expend large sums on them under the name of casual relief. The hon. Member instanced another case of grievance—a poor Irishman marries an English woman, who derives a settlement from her father; he becomes unable to support her; the parish gives him nothing while he remains with her and his family by her; he goes off; she is then cast on the parish, which is then compelled to relieve her and her children. If ever the husband returns, he is arrested and imprisoned; and thus the parish is put to an additional expense, and the poor fellow is degraded for ever in his own estimation by association with felons in gaol, and all for the simple crime of poverty. The hon. Member concluded by asserting the necessity of Poor Laws for Ireland.

Mr. *Richards* supported the prayer of the petition, and observed, that he should wish to know, were the Noble Lord who appointed the Royal Commission to inquire into the state of the Irish Poor present, what the Commissioners were doing to further the object for which they were appointed? There were sinister rumours abroad, that the appointment of the Commission was but a way of getting rid of the question altogether.

Mr. *Ruthven* expressed his strong acquiescence in the prayer of the petition. He thought the protection of the rich, as well as that of the poor, imperatively required it. He, however, thought, that the return of absentees to Ireland would supersede the necessity of Poor Laws; as all the Irish poor wanted was employment. He deprecated all crude and hasty legislation on the subject; and hoped English Members would inform themselves thoroughly on the matter, before they enacted any laws on the subject.

Mr. *Fergus O'Connor* was convinced, that when English gentlemen came to consider the question calmly, they would come to the conclusion, that it was not an Irish question merely, but a national question. He deprecated the delay caused by the appointment of the Royal Commission of Inquiry, as it was on record that the Irish poor at present, in many places, were starving. He had given notice of a Motion for the 15th of June, which he would persevere in. His object in that Motion would be, to classify the parties requiring relief into the able-bodied and healthy, and the weak, infirm, decrepit, and others. The thing brooked no delay, and no delay should it have at his hands.

Mr. *Slaney* concurred with the hon. Member for the county of Cork as to the necessity of taking some steps; but he could not agree with him as to the unimportance of the Royal Commission, which had been appointed to inquire into the state of the country.

Mr. *Finn* said, that whatever system of Poor laws, however perfect, was devised, it would ultimately be perverted into a job, and the poor deprived of their support to enrich a few unprincipled individuals. Employment of the poor was all that was required; and something certainly should be done to obtain that at once. But as the representative of the poor, as the friend of the poor, and as an individual who had their interests at heart, as much as any man in that House, he would resist the introduction of any system of English Poor laws into Ireland.

Petition refered to the Select Committee appointed to inquire into Irish vagrancy.

Abolition of Slavery—Petitions.] Sir *Richard Vyvyan* presented a Petition from a large body of persons interested in the proposition of the right hon. Gentleman, and who were most anxious to be heard against its adoption. They most conscientiously believed that the proposition of the right hon. Gentleman would be most injurious to the interests of the colonies. He should not now attempt to create a debate, and to anticipate that which must speedily follow. He should therefore only state the arguments of the petitioners, who described themselves as Bankers, Planters, Proprietors, Merchants, and others, interested in the West-India colonies. The petitioners stated, that the laws of this country had in many instances recognized the existence of negro slavery; that the Government themselves had frequently acted on that recognition, and had sold estates with slaves upon them; and that even the Resolutions of the House of Commons in 1823 expressly declared, that in whatever was done with regard to slavery, private property should be scrupulously respected. The petitioners prayed the House to remember these things, and not to adopt propositions which could have no other effect than that of abandoning the principles formerly professed, and of ruining large properties that had been embarked on the faith of the observance of these principles.—

The Petition was laid on the table.

Mr. *Goulburn* presented a Petition agreed to at a Meeting in the City of London. It was signed by 1,800 persons, all of them of the highest respectability. They were composed of bankers, merchants, and others holding West-India property; and their opinions, though expressed with force and freedom, were couched in language not at all calculated to excite the slightest degree of irritation. They prayed to be heard at the Bar of the House by Counsel against this measure, which they thought was conducted without a due regard to existing institutions, and which would, if carried into effect, produce the ruin of those extensive interests that were now connected with the colonies. The petitioners stated, that the improvement of the colonies of this country had always been an object of the greatest importance to this House, and on this point they only echoed the sentiments of the best and wisest statesmen, who had, at all times, maintained in Parliament the advantages of our colonial empire; and they did but repeat the declarations of our enemies, who, in time of war, had ever made the destruction of our colonial empire the first and greatest object of their ambition—in protesting against any proceeding which might have the effect of diminishing our colonial possessions, the petitioners only stated the language of treaties in which we had declared that we had added to the extent of our colonial empire, for the purposes of encouraging the domestic industry, promoting the wealth, and increasing the resources of the country. The petitioners detailed at considerable length, the extent of shipping employed in our colonial trade—they said, that the exports from this country to the West Indies amounted to no less than four millions and a-half annually, and that the revenue, derived from the produce of the colonies, amounted to the sum of 27,000,000*l.* It could not have escaped the notice of the House, that of all the national revenue, the proportion levied upon colonial produce had been always that on which, for its constancy and durability, the greatest reliance could be placed. When the country had been groaning under a load of taxation, so that it could bear no additional burthens, the colonies had supplied us with increased sources of revenue. The petitioners said, that the incomes derived from the colonies were, for the most part, spent in this country; and they asked the House to mark the impulse given to trade and agriculture, and to look to the hamlets that had sprung up into towns in consequence of the colonial employment and expenditure of colonial capital. Did the right hon. Gentleman opposite deny that? Would he inform the House whether Liverpool, Bristol, even London itself, had not risen to importance in consequence of the advantages they had derived from the colonial trade? Why did the right hon. Gentleman (Mr. Secretary Stanley) sneer at observations, the truth and juctice of which were known to those who, from their connexion with trade, were interested in the prosperity of these places. Those who were connected with the colonies had a right to utter their sentiments, and those who advocated their cause had an equal right to explain those sentiments to the House. The petitioners were not opposed to the emancipation of the negroes, but they opposed the measure of his Majesty's Government, because it provided no security for the lives of their fellow-subjects—no protection for agriculture. They said, that they knew of no stronger right of property than that which was sanctioned by law, and no stronger security against spoliation, than the consciousness that the Government under which they lived would preserve that right inviolable and unimpaired. They protested against a measure which deprived them of their property without making them any compensation, as calculated to impair general confidence, and to establish a precedent which might shortly be applied to other descriptions of property with equal injustice. He did not present this as the petition of any party; and most happy should he be if it could produce a proposition which would conciliate all parties, for he had always felt that this was not a fit question to be made the subject of party discussion. He wished merely, in conclusion, to warn the House against any premature measure, which would not only have a fatal influence on our own colonies, but by their failure serve as an excuse for continuing slavery in other colonies.

Laid on the table.

Mr. *Fowell Buxton* said, that he had upwards of forty petitions to present from as many places, all of which were directly opposed to the prayer of the petitions just now laid on the Table. He should not at that moment say more upon the subject of these petitions than that the persons who sent them to that House could not bring themselves to think, that men and women could be legal chattles, but must believe, that they, though of a different colour, were entitled to the same rights as the rest of their species.

Laid on the Table.

MINISTERIAL PLAN FOR THE EMANCIPATION OF SLAVES.] The Order of the Day for the House resolving itself into a Committee of the whole House, on the subject of Colonial Slavery, was read.

On the Question that the Speaker do leave the Chair,

Sir *Richard Vyvyan* said that, of all the questions that could be brought under the consideration of the House, none were of a more difficult nature than those in which strong opinions, partly of a religious description, and partly founded on a philosophic view of the dignity of the human species, came into contact with deep convictions of the ruin and degradation which their enactment would cause to both property and persons. Of that class was the discussion into which the House was about to enter. On the one side were ranged persons connected with the subject by religious opinions, who for many years had been in pursuit of an object which they deemed of importance to human nature; while on the other were to be found individuals who, themselves deeply involved in the settlement of the question, came forward and assured the House, that the wishes of their opponents, if carried into effect, would be attended by the ruin of themselves and their posterity. Such being the case, need he impress upon the House that there never was a debate which more required forbearance, conciliatory spirit, and and patient attention on the part of those who might enter into the discussion, than that which he was about to open? The legislative rights of the colonists had been unjustly and wantonly attacked by his Majesty's Ministers, on whom the experience of the American contest seemed thrown away. He believed that the attack had been made without any calculation of its effects or possible consequences; or if Ministers had made a calculation, it was merely of the weakness of their victims. He wished to call the attention of those whom he had the honour to address to those recent changes in the constitution of Parliament which materially affected the question now at issue. The British colonies, whether in the West Indies, North America, the Cape of Good Hope, or the East Indies, had had a virtual and an indirect representation in the House of Commons before the Reform Bill had passed. Although the colonies, it was true, had not sent Members into the House, still there were persons in Parliament who were completely connected with their interests, who could explain their wants, communicate their views, and expostulate on their behalf with Ministers against any acts which might tend to endanger them. But now the system was changed, and that change more seriously affected the interests of the colonies than of any other portion of the British dominions. During the time that the Reform Bill had been in progress through the House, an hon. Member (the Member for Middlesex) had brought forward a proposal to give a direct representation to the colonies; but that motion had been laid aside, and colonial Representatives had not been admitted into Parliament. The inhabitants of Manchester, of Birmingham, and of the great manufacturing and commercial towns had obtained their rights, at least such of the inhabitants as occupied houses worth 10*l.* a year. These rights had been granted to the 10*l.* householders upon an abstract principle whilst it had been denied to West-India proprietors, though they might possess property worth 10,000*l.* or even 10,000*l.* a year. Thus by the new system not only the West-India Colonies but the great cities of the East, containing merchants of princely incomes, were to be governed and controlled by the delegates of the inhabitants of the shops and the factories, and even of the watering-places of the United Kingdom. No ordinance of a conqueror in a country newly acquired by force of arms could be more tyrannical than the decree of those who framed the Reform Bill with respect to the colonies. He at least trusted, since the House of Commons had assumed to itself a metropolitan power unenjoyed by ancient Rome, that it would show itself more delicate than it had previously been in meddling with the rights and interfering with the property of fellow-subjects, or in attempting to injure the property of those who had no direct Representatives within the walls of Parliament. There could be no shadow of an argument for the House interfering with colonial rights and property after it had done away with the indirect representation which the colonies had formerly possessed. The House had no right to interfere with those colonies, which had Legislatures of their own, especially when they denied them, in common with others, the privilege of sending Representatives to Parliament. The Colonial Legislatures had foreseen this case immediately the Reform Bill had been introduced. They foresaw it long before the Reformed Parliament had met; and when the Assembly of the Island of Jamaica was convened, they answered the address of the Earl of Mulgrave in the terms which clearly proved that they were fully convinced that, whatever might be the impresssion of Ministers in England, the great question of colonial emancipation would be pressed upon the House, and that the colonial interests would be attacked and would probably be made a sacrifice. In the address of the Colonial Assembly to the Earl of Mulgrave, they stated: 'As this House 'never did recognise the Resolutions of 'Parliament in 1823—as this House never 'did admit the right of the House of Com'mons to legislate on the internal affairs of 'Jamaica, even when the West-Indies was 'indirectly represented in Parliament, we 'never can concede that a House of Com'mons, which is to exist upon the principle 'that actual Representation should be the 'foundation of legislation, can justly claim 'to legislate over us, their free fellow-'countrymen, in all respects their equals, 'but who have not, and cannot have, any 'voice whatever at their election, by whom, 'in consequence, we are not represented; 'who are strangers to our condition and in'terest, and whose attempt to dictate to us 'would, consequently, upon all their own 'principles—the principles of their own 'existence as a legislative body—be tyranny 'and not legislation. Experience prevents 'us from deluding ourselves with the hope 'of a dispassionate and impartial result 'from the proceedings of any Committee 'of the Commons' House in relation to the

'West-Indies; nor are we strangers to the 'fact that pledges are now being exacted 'from candidates for seats in the new Imperial Parliament to vote in respect of 'the colonies, according to popular dictation, and not after ample and patient examination.' Such had been the solemn declaration of the House of Assembly in Jamaica at their first meeting last year, when they knew that the Reform Bill had passed, and that they were not virtually represented in Parliament. It might be presumed that Lord Mulgrave would not comply with such an address, or agree to treat the Assembly as an independent State. His Lordship, in his reply, had said: 'It 'certainly would not become me to enter into 'any discussion with you as to the principles on which you suppose the Representation of the people of England to have 'been amended by the Bill passed for its 'Reform; nor do I know by what right 'you assume, in addressing me, that the 'West-Indies were ever indirectly more represented in Parliament than they will be 'now. It was then, as now, only as Representatives, legally elected by the people 'of the United Kingdom, to superintend 'the interests of the whole empire, that 'gentlemen connected with this island 'could have a seat in that House, or could 'belong to one branch of that Imperial 'Legislature, the omnipotence of whose 'united voice to legislate for the whole 'empire, if it so think fit, is beyond dispute.' The declaration of Lord Mulgrave, the Representative of his Majesty, exactly tallied with the feelings of the right hon. Secretary (Mr. Stanley). But was the Earl of Mulgrave correct in what he had stated with respect to the indirect Representation of West-Indian interests in Parliament. No one could deny, he thought, that the West-India interest had some reason to complain at being deprived of that indirect Representation which it had enjoyed in that House previous to the passing of the Reform Bill—[*cries of* "*No, no,*" *from the Treasury Benches*]. Gentlemen said "No;" but he asked where was Mr. Irving, who was one of the greatest West-India merchants—had he obtained a seat in that House? [Mr. Secretary *Stanley* said, across the Table: "No, he has not, but his partner has."] It was true his partner had come in, but it was not at the general election. In fact, it was notorious, that persons connected with the West-India interest could not obtain seats at the last election, unless where they happened to be supported by his Majesty's Government. Even the agents and those other Gentlemen who had got into the House, had entered under the influence of Ministers. The agents of the colonies who had not attended to the suggestions of Ministers, and did not belong to their party, were excluded. When he and others had said, that the boroughs of Old Sarum, of Gatton, and the other boroughs of schedule A and schedule B had not merely returned English Members to Parliament, but had been the means of affording to the colonies the advantage of an indirect Representation, they had been sneered at or their assertions had been denied; but had not subsequent events proved the correctness of their views? The reply of the Earl of Mulgrave had been met by a declaration from the Assembly of Jamaica in the month of November last, in which they said: 'That this House 'observe, with regret, the animadversions of 'his Excellency, the Governor, on some 'parts of their address, in answer to his 'Excellency's speech at the opening of the 'Session. The House disavow any intention, on their part, to deviate from that 'tone of conciliation which pervades his 'Excellency's speech. It was the most 'anxious wish of the House to express to 'his Excellency their devoted attachment 'to their Sovereign, and their high respect 'and personal consideration for his Excellency as Governor of the island. The 'House, however, feel it imperative on 'them, and in accordance with former precedents to declare, without meaning to 'offend or to infringe on the rights of 'others, that it is their determination, as it 'is their duty, to maintain, steadily, the 'privileges and immunities which the free 'inhabitants of Jamaica are entitled to, in 'common with other British subjects; these 'are so well defined by law, and sanctioned 'by long usage, as not to be mistaken. 'The House, therefore, rely with perfect 'confidence, that whilst they confine themselves to the conscientious discharge of 'their duty, they will receive from the 'Representatives of their Sovereign the 'most favourable construction of their acts 'and intentions which is due to them as 'loyal and faithful subjects; but this 'House must protest, on behalf of their 'constituents, as well as of themselves, 'against the doctrine stated by his Excellency as applicable to this colony, which 'asserts, as beyond dispute, the transcendant power of the Imperial Legislature, 'regulated only by its own discretion, and 'limited only by restrictions they may 'themselves have imposed. Such a doc'trine is as subversive of the acknowledged 'rights, as it is dangerous to the lives and 'properties of his Majesty's faithful and 'loyal subjects of this island, who, although 'they acknowledge the supremacy of a 'common Sovereign over the whole empire, 'never can admit such supremacy in one 'portion of his Majesty's subjects residing 'in the parent State over another portion 'of their fellow-subjects resident in Jamaica.' He was quoting facts and official documents, and could not but express his regret, that the Houses of Parliament had never attended to the Representation of the Colonial Assemblies. The Houses of Assembly had repeatedly addressed the most respectful language to their Sovereign, but their addresses had never been attended to. The language of the colonists had always been that of loyalty to the King; it always showed good feeling to their fellow-subjects of Great Britain, and of the other parts of the empire. Prone to respect the rights of others, the colonists had justly expressed their determination to defend their own. The right hon. Gentleman opposite (Mr. Stanley), in his speech the other night, had stated that he would not enter minutely into or discuss fully where the right of the Mother Country to interfere either began or ended. Those were the words of the right hon. Gentleman. He had added, that he knew of no boundary line, and he left it to others to point out in what charter or where such self-denying ordinances might be found. Dangerous as were manyof the propositions of the right hon. Gentleman—

Mr. *Stanley* in explanation said, that what he had stated was, that there was no limitation to the authority of Parliament, but that which Parliament had itself imposed. With respect to the internal taxation of the colonies, Parliament had imposed certain restraints on itself, when the power of internal taxation was vested in the Colonial Legislatures.

Sir *Richard Vyvyan* resumed. If the right hon. Gentleman supposed that internal taxation of the colonies was alone the point in which Parliament had no right to interfere, he at once disposed of his own general principle. If Parliament at its own will and pleasure, had declared that it had no right to interfere with the internal taxation of the Colonies, did the right hon. Gentleman suppose that Parliament, at its will and pleasure, could not at any time resume the other principle? Whatever the right hon. Gentleman said in that House as a Minister of the Crown, and as the head of the Colonial Department, it was important that his words should go forth to the Colonies, and that they should know how far they had or had not the right to legislate for themselves. Whether they had a right to legislate upon some or upon all systems of taxation, or how far they might legislate with respect to social regulations of their slaves, ought to be clearly understood. The right hon. Gentleman apparently meant to say, that Parliament had the right to interfere in questions of internal taxation in the Colonies. But the right of self-taxation was that which the Colonial Legislatures the most insisted upon. He would deny the proposition which the right hon. Gentleman had maintained, that delegated authority could be cancelled or recalled at the pleasure of him who delegated it. No man had asserted that any delegated authority could ever exceed that which the delegator had the power to bestow; but he would maintain, that power once delegated never could be rescinded. The powers originally granted to Parliament had only been delegated by the King. Was not this the case with respect to the powers given to Parliament by King John and by King Edward, and had those Sovereigns any right to revoke what they had once granted? If the principle were good, it applied to small affairs as well as to great. The principle had always been, that authority granted indefinitely by a royal power, whether like the charter of Louis 18th, or the charters granted to corporations, or those granted to the Colonies, could not be revoked by the will of the granter. If this were the doctrine with respect to Sovereigns, he knew not how a contrary opinion could prevail with respect to Parliament and inferior bodies. He would now go back to the case of Mr. Otis in 1765. At that moment a great deal of discontent had prevailed against the mother country; but the language of the provinces was mild, nor were they disposed to break out into violence, or to oppose the Government. The grounds of complaint had been the right to levy taxes, the right of sending troops from Great Britain, and the right of internal legislation. The right hon. Gentleman had said that Mr. Otis had declared that as the colonies were separate dominions, and distant from the mother country, and as they were unrepresented in Parliament, they ought to be governed by laws of their own making. This had been the opinion of Mr. Otis before the great struggle commenced, before swords had been drawn or a shot had been fired. Notwithstanding this the Government pressed on their measure; they would persevere in their designs; and Mr. Otis and the other men met at Boston, Resolutions were passed, affairs proceeded, till war was produced, and the separation of the colonies followed. But Mr. Otis had acknowledged that there were great questions in which the mother country had a right of interference, and the only point to settle was, what those questions were. He would take the famous Navigation Act as an example. The Navigation Act was a severe tax and infliction on the colonies. It hindered the colonists from taking advantage of the cheapest vessels in transporting their goods, and obliged them to abstain from employing foreign vessels, which would have benefitted their interests; and yet no instance was found of the colonists protesting against the Navigation Act or declaring, that the Mother country had no right to enforce it. He would take another question which had been stated by the right hon. Gentleman himself. The question of the slave trade was completely an imperial question. It was a trade on the high seas; the greater number of ships employed in it sailed from ports in Great Britain. The question was therefore of importance. The honour of the country was involved in it, and it applied to the harbours of England. It was therefore an English question, and the Legislature of England had a right to interfere in it. But this was a case totally distinct from the existence of slavery in the Colonies. The one was an external question, connected with the Navigation Act; but the question of slavery was internal, and confined to the colonies themselves. The right hon. Gentleman had made allusions to the Acts of 1778—those Acts, as they were termed, of conciliation and pacification so disgraceful to the country, as they came too late for its humanity and honour, and not early enough to prevent the war. As Parliament was resolved at the present moment to carry into effect all its pleasures, was it not possible that a time might arrive when it might have reason to entertain the strongest wish to abandon the Resolutions—as strong a wish as that felt in 1778, when Lord North came down to the House amidst a gloom, a discontent, and silence, which were remarked by those who took part in the parliamentary proceedings of that day to be so severe that for a long time no Gentleman rose to answer him? Astonishment and dejection were painted on the countenance of all present. Was it not possible, notwithstanding the solemn and bold manner of the right hon. Gentleman, that a time might come when, in consequence of foreign interference, some other Minister might be compelled to come down to the House, and make a proposition not unlike that which had been made by Lord North? 'One of 'the Bills,' said that Minister, 'I propose 'to move for is, to quiet America upon the 'subject of taxation, and to remove all 'fears, real or pretended, of Parliament ever 'attempting to tax them again, and to 'take away all exercise of the right itself, 'in future, so far as regards revenue. As 'to the other particulars in controversy, 'the Americans have desired a repeal of all 'the Acts passed since 1763; this can'not however, be supposed to mean any 'more than those Acts which have, in some 'way or other, pressed on them; for some 'which passed in 1769 were beneficial, 'and such as they themselves must consider 'in that light, being the granting of 'bounties and premiums, or the relaxation 'of former Statutes that had been grievous 'to them. As to the late Acts—such as 'the Massachusetts charter, the Fishery, 'and the Prohibitory Bills—as they were 'the effect of the quarrel, they should 'cease; and as to the complaints of mat'ters of a various nature, authority shall 'be given to settle them to the satisfaction 'of America?'

Such was the important part of Lord North's speech; but it was then too late to recede, and England lost those colonies, which, in the first instance, she had deemed too feeble to offer resistance. He knew that the right hon. Gentleman had argued, that if men would resist the measure he had brought forward, they must take the consequence. The hon. member for Weymouth (Mr. Fowell Buxton) had likewise subscribed to this doctrine, that if the white inhabitants of the colonies opposed the measures of Government, and would not emancipate their slaves, they must expect to meet with no assistance from the mother country, but to experience nothing but coercion. He (Sir Richard Vyvyan) did not like to contemplate or suppose the possibility of an attempt on the part of Ministers to tyrannize over the colonies to the extent that violence must be the inevitable consequence. He trusted that Ministers never would induce the colonies to look for foreign assistance, or to keep up any foreign correspondence. It was still in the power of the House to act upon the principles of conciliation, and to meet the colonists half way. Time and circumstances, notwithstanding what the hon. member for Weymouth might think, might offer to the colonists the temptation of receiving foreign assistance. Time and circumstances had formerly offered to France, and afterwards to Spain, such an opportunity of affording assistance to the colonies; and he would most earnestly press this part of the question upon the attention of Parliament. The question was one which involved the rights and liberties of their fellow-subjects. He was anxious to press this part of the question upon the House, in consequence of a paper he had received that day, and which he was authorized to lay before the House. It was a copy of the instructions which had been received by the Deputies from the island of Jamaica, upon their quitting the island to proceed to this country. After this paper should have been read, let it not be said, that he had been doing anything to instigate the colonists. The hon. Baronet read the following paper:—

The object of the Assembly of Jamaica in sending a Committee of their members to England was, to offer such information to Government and to Parliament as might correct their opinion of the condition of the slave population.

It is the duty of the Committee, if they shall find emancipation to be the general desire of their fellow-subjects, not to oppose a resistance which is sure to be unavailing, and may be misunderstood.

They are expected to make themselves acquainted with the ultimate views of the emancipationists; and if those views contemplate the dissolution of colonial society, and the demolition of property, which must be the consequence of unconditional freedom, they are instructed to demand a full compensation according to the value of property, before it was unsettled by the agitation of the question.

If by emancipation is meant the substitution of a system of free labour, in the room of slavery, which shall secure to the planters the cultivation of their lands, the Committee are to require compensation equivalent to the portion of labour, of which they may be deprived, and to the risk of loss and suffering which so complete a change may bring with it.

The Committee are bound to insist, that the expense of an adequate police, and all other costs of the arrangement, shall be defrayed by Government.

They are also to protest, in the most decided manner, against any interposition or Parliament in their internal affairs. The Assembly of Jamaica are always ready, on the invitation of the Crown, to discuss the measure of emancipation, compensation being first provided by Parliament, but they will not yield their legislative rights, except to violence, which their confidence in the justice of their fellow-subjects will not permit them to apprehend.

This document was officially signed by Richard Barrett, the Speaker of the House of Assembly of Jamaica. After having read the paper to the House, he hoped that no man would say, that he had laid too much stress upon the case. A great public principle was involved in this question. Independent of the West Indians themselves, there were many great interests involved in the question, and some of which had been adverted to at public meetings. The great meeting that had been held at the City of London Tavern ought alone to be sufficient to convince his Majesty's Ministers that there was a strong and deep conviction in the minds of those who were not connected with the West Indies, that if the plan of the right hon. Gentleman were to be carried into effect, inevitable ruin would ensue. The right hon. Gentleman had said, that he intended to diminish the quantity of sugar, for, in his opinion, the increase of the cultivation of sugar had much to do with the decrease of population. But did the right hon. Gentleman look to the immediate reduction of the revenue, and how that reduction would bear on the interests of all classes in the country? But what need was there to enter upon the subject, when the right hon. Gentleman must know, and every individual must know, that the interests connected with the West-India islands were numerous and important. Vast numbers of manufacturers were kept in employment throughout all the manufacturing districts, by the demands of the West-India markets. Enormous sums of money were spent by West-India proprietors in England. The shipping interest was greatly involved in the question, for immense exports, as well as imports, depended upon the issue. If the right hon. Gentleman were really serious in his intention to diminish the quantity of sugar grown in the English colonies, did he mean to drive the British purchaser to the foreign colonies, in which the produce of sugar would not be decreased, and in which it was all the result of slave labour? If, in consequence of any alteration in the colonial system, the right hon. Gentleman should diminish the quantity of sugar supplied by our colonies to the consumer in England, the consequence would be a bounty upon the slave labour of foreign colonies, such as the Brazils and the Spanish islands. The right hon. Gentleman had been guilty of making attacks upon the West-India interest with a view of showing that it was necessary for him to bring forward a plan which might at last satisfy the violent party at the other side of the House. It was now known, by a paper which had been circulated that morning, that the other party was at length satisfied, and that it meant to support the right hon. Gentleman's schemes; but why, he would ask, had not the right hon. Gentleman conceded something to the other side? It would have been much better if the right hon. Gentleman had taken the trouble to inform himself correctly of the grounds of the accusations which he had brought forward against the West-Indian interest, particularly as they involved matters of fact before bringing them forward. The right hon. Gentleman had said, that in the slave laws, evidence was not allowed to be given by the slave without producing the recommendation or permission of the master or overseer. The real fact was, that such a proposition had been made in the island of Antigua, but in no other colony. The right hon. Gentleman had next stated, that if a slave even innocently looked his master in the face he might be exposed to receive thirty-nine lashes without any reason being assigned for the severity. All those who were connected or acquainted with the West-India Colonies had declared that such was not the fact, and there had been evidence delivered upon the subject before the House of Lords, and upon oath, which fully proved that this was not the fact. The assertion had been made by Mr. Wildman, but it had been contradicted by four reputable witnesses. He was willing to believe that Mr. Wildman must have been misinformed, because no Gentleman of his character and respectability would have knowingly and wilfully made such a misstatement. The right hon. Gentleman had said, that by the slave law, when punishment was unjustly inflicted on a negro, and he was ordered to be sold, the amount of the purchase-money was paid over to the tyrannical master. The right hon. Gentleman's account was, that if a slave looked at his master in the face and was [to be flogged for it, or if for doing what in this country would not be considered any offence, he was ordered to receive thirty-nine stripes, and upon an interference the slave was to be sold, that then the money would go to the master, and act as a reward for his cruelty. This was the case that had been put to the country. But what were the real facts? If the slave were to be sold, the master, instead of receiving the purchase-money, would be fined in the sum of 100*l.* by way of punishment for his conduct. By such erroneous statements had the right hon. Gentleman prejudiced the country against the West-India interests. The right hon. Gentleman had stated that not a step had been taken by the colonies towards the extinction of colonial slavery; that, in 1823 Mr. Canning had suggested certain Resolutions; in 1824 an Order in Council was forwarded to the Crown Colonies containing certain regulations as to Sunday labour, and they were also forwarded to the Colonial Legislatures, with a recommendation that they should be adopted, and they were all rejected; that in 1826 Mr. Canning's Eight Bills were sent out, and they were rejected by all the islands except that of St. Nevis, which contained a population of less than 1,000 persons; that in the year 1828, when Sir George Murray was Colonial Secretary, two Orders in Council were sent out, and they were disregarded; that in 1830, further Orders in Council were sent out which related to a variety of subjects, all of which the right hon. Gentleman said, had been either rejected or disregarded. The right hon. Gentleman, in his sweeping charge against the West-India proprietors, had further said, that they had steadily avoided the appointment of a protector of slaves, who should have no interests opposed to their moral improvement. The whole thing he said, was upon the face of it a mockery of the wishes and feelings of the mother country. This was a specific charge which the right hon. Gentleman had made against a numerous body of individuals at the moment he was bringing forward a measure which would have the effect of destroying their whole property. First, the Resolutions of Mr. Canning were based in seven distinct provisions, which applied to Sunday markets, slave evidence, manumissions, regulation of punishments, rights of property, religious instruction, and the separation of slaves. First, with respect to Sunday markets, he would ask were they not almost all abolished? Again, as regarded slave evidence, had nothing been done in this question by the Legislatures of our West-India islands in the year 1821? Had they not allowed the slave to appear n evidence against his master, a power which Lord Bathurst even, who was then Colonial Secretary, did not expect would have been granted? Was it not a great step in advance on the part of the Colonial Legislature to allow a slave who might have grievances to urge against his master, which he had long treasured up, to come forward and depose against his master? But, notwithstanding this, the right hon. Gentleman said nothing had been done upon the question of slave evidence, whereas the greatest Legislature in the West Indies had allowed the admission of slave evidence against the master and overseers of an estate. Again, would the right hon. Gentleman attempt to deny that efforts had been made by the white population to aid religious individuals in the instruction of the slaves? Did he mean to adhere to that allegation which had been made from year to year? Then, as to the separation of slave families, how many instances, he would ask, had they of any desire on the part of the West-India planters to separate individuals from their families? Had the right hon. Gentleman sufficient evidence to prove, that slaves were generally separated, for it was not upon isolated but general cases they were bound to legislate? He would suppose a case of the necessity of selling slaves who might not be attached to that part of a small property, perhaps, which was to be divided. Would it not be hard upon the individual proprietor if he were not allowed to translate or separate his slaves from one property to another? Again, if a debt were due by a person, and the sale of one slave would bring sufficient funds to liquidate that claim, would it not be hard to compel a party to dispose of a whole family to meet the claim? Would it not be reasonable to suppose that, as long as slavery continued in existence, you should not compel a man to part with the whole of his slave property, because he might not be able to keep it entire? The right hon. Gentleman had misstated the real state of the law with respect to slaves. He had said, that the Magistrates were interested in the support of the slave system. Look to what was the fact in this country. In all cases of dispute between masters and servants, the Legislature were the arbitrators between them. But why should the right hon. Gentleman seek to spread the impression in the West Indies, that the Magistrates there had no feeling for the welfare of the slaves? He believed, that the resident gentry in the West Indies were as likely to do justice to all parties as any Magistrates in this country would be. They required many proofs to the contrary, before the House should be induced to censure the conduct of the West-India planters. They wanted general allegations to be proved by general facts; that was the only way to substantiate such facts as those to which the right hon. Gentleman had adverted. With regard to the decrease of population, as applied to the slaves, that was a subject upon which a strong feeling existed. The right hon. Gentleman had said, that the increase of the production of sugar had kept pace with the decrease of the population of slaves. He knew that the hon. member for Weymouth argued, that the decrease of the population was in favour of his views; but did he not see that slaves were imported originally in the prime of life? And again, that the question of population, in reference to an increase or decrease, must depend upon the number of females. Now, the proportion of males to the females generally imported, was as sixty-five to one hundred. That was the average through the whole period of importation; and could it be expected, that a society should increase in number while that disproportion existed. Had the right hon. Gentleman taken into his consideration the question of manumissions? The hon. Baronet proceeded to read an extract of the evidence of Mr. Burge before the Committee of the Lords, which went to show, that the number of manumissions which had occurred between the years 1817 and 1830, were no fewer than 8,442. This was the number actually recorded in the Secretary's Office; but it ought to be borne in the recollection of the House, that this number did not comprise the whole number of manumissions, because many occurred which were never put upon record. But it appeared, that, of 4,472 manumissions, which had occurred between 1818 and 1826, 2,131 were gratuitously made. Now, while the number of men in many cases greatly exceeded those of the women, it was quite clear that there could not be a gradual increase of the population. Had the hon. member for Weymouth taken into his consideration this immense number of manumissions? [Mr. *Buxton* said, he had.] Had the hon. Member taken into his consideration all the changes of abode which had occurred in respect to these manumissions? Taking the two periods, from 1823 to 1826, and from 1826 to 1829, it appeared that the number of the slave population in Jamaica, in the former period, amounted to 334,393; in the latter period the number of the slaves was 322,431; the recorded manumissions in the interval were 1,383. That there had been a decrease in the population, he did not deny, in the case of Demerara and Jamaica, nor that there had been a corresponding increase of sugar; but would the right hon. Gentleman found his proposition upon the assumption, that, as a matter of course, the quantity of sugar produced must be in proportion to the decrease of slaves? Then, as to the duration of the lives of slaves, it had been said, that they were overworked; but he would call the attention of the House to what existed in this country. Was there nothing in the factories of this kingdom which caused death at an early age? Were not children here overworked? But this assertion of working the slaves to excess was only another attempt at an argument made use of against the West-India proprietors, with a view to add to that load of odium with which it was sought to overwhelm them. It appeared from the register of births and deaths in Demerara during 1823 and 1826, that the number of deaths was 7,634; while, between 1826 and 1829, the number of deaths was 5,834; and notwithstanding the whole number of the slaves had diminished, the births in the same periods were 4,634 and 4,659; and surely they must take the births and deaths as the basis of any reasonable calculation as to the population. Now, in the island of Barbadoes, he begged to state, the real increase of slaves from 1823 to 1826 was 688; in the second period, from 1826 to 1829, the increase was 532. The quantity of sugar in the first period was 326,000 cwts.; while, in the second period, it amounted to 299,000 cwts. The hon. Baronet next proceeded to read a letter which he had received from Mr. Shand, in which that Gentleman entered into an explanation respecting the expense of each slave to the planter, which had been stated by him, in his evidence, at 45*s.* per annum; but that applied solely to the expense for European stores, whereas the expense was actually 3*l.* 10*s.*, being, therefore, for a family of six persons, 21*l.* per annum. Mr. Shand made the contrast between this rate of expense, and the case of the weavers of Scotland, who were now earning only 1*s.* per day, the slave being always provided for: while, in addition to the other demands for every article for the support of life, the weaver had to pay at least 50*s.* a-year from his earnings. Now, suppose the weaver to be earning only at the rate of 15*l.* per year, whether he had a large family or not, would it not be discouraging to him to find, that instead of this the slave made 21*l.* per annum for the support of his family? He knew not, for his part, with what intention it could be done; but it was clear, that his Majesty's Government had been resolved that correct evidence upon oath should not go forth to the world. A Committee in the House of Lords was to have been moved for; but the Government had a communication with the West-India body, and glad as they were to entertain a negotiation upon the subject, at the suggestion of the Government, the proposed Committee in the House of Lords was delayed, and up to the present moment no Committee had been formed, and they had had no opportunity of examining the late Governor of Jamaica, the Earl of Belmore, upon this great subject. Now, there were two parties to this question; the one contending for an opinion which they entertained, whilst another contended for the preservation of their property; and the Government had thrown its weight into the hands of those who represented the opinion of the public. The Resolutions which had been proposed by his Majesty's Ministers were objectionable; and the West India body could scarcely act until they knew what the state of opinion was in the colonies, because they had been taken by surprise. The Colonial Legislatures indeed had been still more taken by surprise. Was it the opinion of the right hon. Gentleman, that the Act should go out to the colonies before they had had time to deliberate upon its merits? He had already stated, that the grand question of emancipation was acknowledged by the Colonial Legislature; it was right that the people of England should know, that the deputies acting on behalf of the West-India interest went to the full extent of admitting the principle of emancipation. It was right that those who contended for the West-India proprietors should know that the time for emancipation had arrived, though, for his own part, he was not one of those who believed slavery and Christianity to be incompatible with each other. He conceived, however, that emancipation must take place. The House had had two plans submitted to them, the one from the noble Lord who had lately filled the office of Under Secretary for the Colonies, and the other was the extemporaneous plan which had been promulgated by the right hon. Gentleman; and it remained to be considered how this latter plan would work, though it was enough for him to be told by all the merchants and others who were particularly concerned—it was enough to know from them—that the plan was one which could not be successful, and which could not, indeed, be carried into effect. For his own part, he believed it to be a plan which never could satisfy the Anti-Slavery Society. He believed that, however they might at the present moment give in to the scheme. There was a fundamental principle which they entertained, which not being incorporated in this plan, rendered it impossible for them to give their assent to its adoption, and this was the point to which he alluded. These persons held, that no man could be considered the property of his fellow man. He would not enter into any discussion upon this opinion, but he knew that what the Anti-Slavery Society said was, that no man had an abstract right in the possession of a slave; and, therefore, the plan of the Government must be opposed to their great principle. They would have the anti-slavery question to consider again; yes, they would have some question left behind, and always brought forward at elections to exact pledges from candidates as a test or proof of their humanity. Though the plan of the right hon. Gentleman had been received with certain exceptions, it was one which would not only not succeed, but which was contrary to the opinion of those whom they were about to legislate for. Was it right, he would ask, that the Government should be at the beck of a party from whom such a letter as the one he was about to read could come (for he supposed similar letters had been addressed to many hon. Members)? This was a letter which had been addressed to a friend of his, who was a Member of that House, and emanated from his constituents. The letter was to the following effect:—'Dear Sir,—As we have reason to fear 'that the influence of the West-India interest has been used for some time past with 'his Majesty's Ministers, with a view to 'induce them to remodel their bill which is 'to be brought forward, our object in 'writing to you is to beg that you will 'wait on Lord Althorp to express a hope 'that the measure will go to the immediate 'and entire emancipation of the slaves in 'the West Indies, and to state that in the 'event of their conceding this point they 'may rely on your support; and, if the 'noble Lord does not do this, we beg you 'will be in the House and support the 'Amendments.' Why what a principle of dictation was here pursued, because the West-India interest were supposed to be in communication with his Majesty's Government on a subject upon the decision of which their property depended! No proposition, he supposed, was to be made which was not palatable to the member for Weymouth and his friends. He would not allude to the insurrection of last year in Jamaica; he would not dwell upon the general feeling which was entertained by the slaves that they were to be free, and that, therefore, they were justified in taking up arms; nor would he do more than remind the House that only a few months had elapsed since this unfortunate occurrence, and that insurrection had been only put down by the shedding of blood. He would call the recollection of the House to the condition of one of the finest islands in the world, which was now in the hands of barbarians; he would call the attention of the House to the state of St. Domingo, where emancipation was carried into effect by violence, where the greatest possible destruction of property occurred, where horror upon horror succeeded, and where subsequently an Agrarian law was passed by which every individual acted for himself! The hon. Baronet proceeded to read an extract from an address sent by the Assembly of St. Domingo to the National Assembly in France in the year 1791, and stated his opinion that, however strong the language might be, it applied most completely to the case then under their consideration. This address predicted the general calamity which must befal the country from the circumstances which were then occurring, and the great state of suffering to which France must, in many respects, be exposed. The situation of the negroes in Africa, he maintained, was changed for the better by their being employed as slaves in the West Indies. And he would call upon the House to bear in mind the vast interests which were involved in the adjustment of this question. There were not less than 1,000 ships of 300 tons each employed in this trade. There were 500 vessels employed in the northern coasting trade. Let them not allow so great and important an interest to be endangered. He had confidence in the educated part of the British Empire; they could think for themselves; and when the delusion was removed,—when the monstrous exaggerations were exposed—when those weeds of zealot luxuriance which had grown up and smothered prudence and judgment were mown down, and the educated people saw that they had been wickedly and grossly deceived—that in many instances designing men had worked upon their feelings and used their noble philanthropy, in order to render them the instruments of tyranny in the colonies, and of injury at home;—then they would do justice to the planters, and proceed to emancipate, without injury to persons whose title to justice was as good as that of the greatest landed nobleman in the United Kingdom. He was aware that he was addressing an assembly, many Members of which had deeply pledged themselves, though the system of pledges was ruinous to the best interests of the country. Was not a pledge a bribe, far more injurious to the Empire at large, than bribery by money? What could be a more solemn mockery of justice, than the presence of a Judge upon the judgment seat, willing to pronounce a poor elector guilty of corruption for having accepted of a cup of beer, while he, himself, had been culpable of the great state crime of selling his right to vote according to his conscience—of consenting to sacrifice his fellow-subjects in the colonies, of being a party to trampling upon their acknowledged privileges, for the honour of sitting in that House. He could conceive no position more degrading. The oath taken at the Table had been cavilled at; and was casuistry to be all-powerful in the instance of a solemn affirmation before God, while judgment, and reason, and justice, were to bend before the half-muttered pledge at the hustings? What was the honourable value of a seat in Parliament — where was its transcendant distinction, and superiority—that they should wilfully and servilely render themselves the instruments of ruin, knowing, perhaps, that they did so—at all events, suspecting that they might? He would not move any resolution on that occasion, nor oppose the Motion for the Speaker leaving the Chair, because he neither wished to embarrass Ministers, nor check a fair investigation of the subject, but he could not resist the opportunity of expressing his sentiments, representing, as he did, a place deeply interested in this subject, and perhaps, only second in importance to the metropolis itself.

Mr. *Stanley* felt called upon to offer some observations to the House in reply to the observations of the hon. Baronet, but he submitted to the House whether it would not be more convenient to do so in Committee; and with that view he suggested the propriety of entering at once upon the Committee, and then continuing the discussion.

The Speaker left the Chair.

Mr. *Bernal* read the first Resolution—"That it is the opinion of this Committee that immediate and effectual measures be taken for the entire abolition of slavery throughout the colonies, under such provisions for regulating the condition of the negroes as may combine their welfare with the interests of the proprietors."

Mr. *Stanley* said, that although he had the honour of addressing the House on a recent occasion at considerable length in relation to this subject, and although he could very sincerely promise the Committee, that it was not his intention again to trespass on its patience to such an extent as was then necessary; still, after the speech just delivered by the hon. Baronet, he felt it to be his duty to take the earliest opportunity of offering an immediate explanation of his sentiments and a reply to the charges of the hon. Baronet, in doing which he should endeavour to preserve that course of observation by means of which he had flattered himself, up to the delivery of the hon. Baronet's speech, not only that he had avoided but that it was generally admitted he had refrained from all topics calculated to produce feelings of acrimony and irritation. He assured the Committee that he should, as far as possible, studiously abstain from dropping a single word likely to give offence to any individual or body of men. He had hoped, that he had been able to follow up that inoffensive line of conduct on a former occasion, and it was a subject of regret to him if he should be thought to have deviated from it in the manner alleged by the hon. Baronet. Never had any charge come with so bad a grace from an individual, followed up as it was by the extraordinary speech of the hon. Baronet, who prefaced his address by a declaration that he should avoid those topics of irritation which the hon. Baronet accused him of resorting to, and then introduced every available subject and topic calculated to rouse angry feelings. The question of Reform—the address of the Legislative Assembly of Jamaica to Lord Mulgrave—Lord Mulgrave's answer, and various other matters, were referred to by the hon. Baronet in a way the most likely to produce irritation. The threat which the hon. Baronet held out as to our being compelled to recall our Resolutions by foreign interference—the charge which he threw out against those hon. Members whom he was pleased to consider a pledged majority, because they declared upon the hustings, as they had done within those walls, their fixed determination to labour to the utmost for the abolition of slavery (his conviction of the necessity of which abolition the hon. Baronet now, for the first time, avowed) —these topics, treated as they had been by the hon. Baronet, were not calculated to produce a cool, dispassionate, and cautious consideration of the question. The hon. Baronet now declared, that he had no objection to an abolition of slavery, but it was an abolition of slavery, "in the abstract," and if they were to leave the question of slaves to the hon. Baronet and his friends, long indeed would it remain a question "in the abstract," without being carried to any practical conclusion. If he had commented on the conduct of any individuals, or any body of men, he did so to make out a case of necessity for the interference of Parliament, arising from non-performance and neglect on the part of the colonists with respect to the recommendations of the mother country—a non-performance which, as he maintained, constituted the ground for that House interfering in the internal and local regulations of the colonies. He still adhered to the principle which he before laid down, and which had not been controverted by the right hon. Baronet; and he again asserted that he knew of no limitation to the right of Parliament to interfere, save that which it might impose upon itself, unless it had voluntarily abdicated the privilege, which could not be asserted, nor even pretended in the present case. He admitted that the expediency of exercising that right was a different question, and he had before stated what he was now ready to repeat—namely, that except in a case of absolute necessity, the House was not justified in interfering with the Legislatures of the Chartered Colonies, but that necessity he had, as he hoped, successfully demonstrated on a former occasion. He was astonished at the boldness and inconsistency of the hon. Baronet's assertion, when he declared that although slavery afforded no grounds for interference, the slave trade was a case for Parliament to interfere in. According to the hon. Baronet, neither chartered colonies nor Legislative assemblies could justly object to this latter interference (but he begged to inform the hon. Baronet that they did object to it), because, said the hon. Baronet, the slave trade was a national question, in which your bankers and monied men, your navigation, trade, and commerce were involved; but as to the abolition of slavery, that was a merely local question, bounded by the limits of each island in which the system prevailed, and therefore the empire at large had no right to meddle in it. Why, then, if this were a strictly local question, what was the meaning of all those petitions that had been presented to Parliament? He spoke not now of the petitions for the abolition of slavery, but asked whether those on the part of the West India body itself did not prove, that this also was a national question, otherwise why petition the Legislature? No Parliament, no Government, ought to resist, or could resist, the weight of public opinion on this subject. The hon. Baronet complained of what the hon. Baronet termed his (Mr. Stanley's) unfounded charges against the colonies. He had, undoubtedly, adduced certain charges for the purpose of showing, that there had been in the colonies a general, he might say an universal, neglect of the wishes of the national Legislature; but he thought that in bringing forward his charges he had carefully guarded himself against any general or sweeping assertion which might involve every colony in the burthen of each separate accusation. The hon. Baronet spoke of Sunday markets: on that point he (Mr. Stanley) stated that there had been a pretty general wish displayed by the colonial Legislatures to meet the views of the Parliament at home. He had further admitted, on a former evening, that the colonists had removed many impediments which formerly existed in the way of slave marriages; but, at the same time, he said, that there was not in the colonies a proper disposition to impress on the minds of the slaves a feeling of the sanctity of the marriage vow, or to discourage that promiscuous and licentious intercourse which, while it struck at the root of morality, tended to check population. The separation of families, and total disregard of family and social ties, were such as to convey no proper or becoming notions of the sacred relations that should be produced by marriage. Let the House see to what extent the colonies had gone in furtherance of this object? In many of the colonies he found that the prohibition of separation was limited to cases of the sale of slaves under judicial process; ay, and there was even a further limitation than this—namely, that one member of a family might be sold to discharge a debt. Such a regulation at once must cut all the ties of marriage, of kindred, and of humanity. If one slave were sufficient to discharge a debt, he might be seized and sold; but, said the hon. Baronet, "Good God! only conceive the hardship of the contrary course! Suppose two sons are desirous of dividing an inheritance, are they to be prevented from separating their slaves? If one slave be sufficient to discharge a debt, was it just to compel the sale of two, three, or four slaves?" If this was to be the line of argument adopted—if reference was to be made only to the convenience of the master —how could the slave be taught to regard family ties? If the subject was to be treated merely as a question of convenience, where was the sanction of family ties? What became of the indissoluble bond of marriage? And of what validity was the law of kindred? He asked the hon. Baronet, how the colonial assemblies could be said to have conceded anything on this point, when all the most sacred ties were thus liable to be dissolved? He must here admit, that he had unintentionally misstated the law of Jamaica with respect to excessive punishments, and certainly he had applied that to Jamaica which was true only of Dominica. He stated, that in a case of proved cruelty the slave was sold, and the proceeds of the sale paid over to the master, whereas it appeared that, as stated by the hon. Baronet, the price was paid to the vestry, and applied partly for the benefit of the slave. With regard to the thirty-nine lashes he, (Mr. Stanley) had quoted the words of a planter, thinking them not ill-calculated to convey the sentiments of some among the colonists; but undoubtedly by the law of Jamaica wanton punishment of a slave rendered the party offending liable to a penalty. However, the question arose as to how the law worked, and in what manner the offence was to be proved? The slave might carry his complaint before a Magistrate, but must produce the evidence of another person in confirmation of it. If the Magistrate were satisfied as to the grounds of the complaint, he might direct the prosecution of the master; on the contrary, if he were not satisfied, he might order the flogging of the slave. The question, after all, resolved itself into the nature and operation of the law of evidence. He had stated, that slave evidence, under different colours and pretences, had been frittered down by various regulations. In various colonies the evidence of the slave was not received against his owner, against a white man, in a capital case. He must say, however, that in Grenada, Tobago, and, recently, in Antigua, the distinctions with respect to slave evidence had been abolished. But, according to the law of St. Kitt's, no slave witness could appear in any civil or criminal case with which the owner or overseer might be connected. The same rule prevailed in Nevis with regard to capital crimes. In Bermuda slave witnesses were disqualified in all cases, civil and criminal, wherein owners or any persons having control or interest in them were concerned. He should state, that they were only disqualified from appearing against the owners, &c. Slave evidence was good if it was in favour of the master, bad if it made against him. With respect to the celebrated law of slave evidence in Jamaica, on which the hon. Baronet laid so much stress, he (Mr. Stanley) stated that, although the evidence of a slave was good against the life of a black man, it was not good as affecting the property of a white man to the amount of 1s. It was quite true, that in Jamaica there was no law excluding slave evidence in the case of an owner, but it was equally true, that the testimony of a slave was not received in civil, though it was taken in some criminal cases. Thus, as he had said, slave evidence, which was good against the life of a black man, was not valid with regard to the property of a white man. But what were the criminal cases in which slave testimony was received? They were not cases of cruel whippings, or withholding allowances; here the evidence of a slave was good for nothing unless strongly corroborated. He would not detain the Committee by recounting all the various restrictions on slave testimony. It was sufficient to observe, that in cases of atrocious punishment, the very fact of the prosecution being supported by slave evidence, prevented the complainant from being relieved to the extent to which he would otherwise be entitled. There existed no system of effectual protection for slaves—the hon. Baronet had not shown that there was in any colony a protector of slaves independent of the Colonial Legislature, and prepared to co-operate with the home government in taking care that the slave should not be ill-treated. Upon the restrictions relative to rights of property the hon. Baronet had not touched. He (Mr. Stanley) put it to the Committee to judge whether they could safely leave the extinction of slavery to the unassisted efforts of the Colonial Legislatures? The hon. Baronet complained, that whereas the West-India proprietors were desirous to obtain a full investigation, the Committee of last year had been allowed to cease at the request and intercession of Government. But he would declare, that it was left entirely to the discretion of the West-India body to determine whether or not they would seek a renewal of the West-India Committee and inquiry of last year in either House of Parliament. He did not wish to speak in the language of complaint, but he must say, it was impossible to negociate with a body such as the West-India deputation, which attended to hear proposals with authority to object to them, but without authority to offer any suggestion, or propose any modification in a plan which they rejected. He stated to the deputation distinctly, that it was the intention of Government to carry into effect safely, and if possible with their concurrence, a complete extinction of slavery, and that such extinction must form the basis of any plan on which Ministers would consent to act. The deputation declared, that they had no power or authority to propose any plan. Four of the number did, in their individual capacity, offer to his notice a plan to which he should not have alluded, but that he found it had been since given to the public. The proposal was, that a grant should be made to the colonists of 44,000,000*l.* sterling, that the colonial proprietors should enjoy all existing rights over the slaves for a period of one-and-forty years; and that that one-and-forty years was to be estimated from the time the 44,000,000*l.* could be paid out of the wages of the slaves, with four per cent interest, and one per cent sinking fund. He imagined that the House would not think him possessed of too much modesty because he did not venture to propose such a plan as that for its consideration. He felt it due to the Government to state, that it had not been insensible to those objections which had been raised to the Government plan by the West-India body, and which were three. The first was, that we in this country were legislating for the absolute and immediate freedom of the negroes, and that we were imposing upon the Colonial Legislatures the odious and invidious task of apparently restricting that freedom, and of continuing for a time a portion of that slavery which we had declared should altogether cease. The second objection was, that without a temporary adscription of the slaves to the soil, it would be impossible for the colonial proprietors to cultivate the soil through the agency of the negroes; and the third objection was, that the mode of cultivation proposed by the plan tended to give an additional dearness to the ground, and had also a tendency to be a tax upon provisions, and that so far it would be burthensome and oppressive even upon the negroes themselves. To those three objections of the West-India body his Majesty's Government, though debarred of all discussions with that body, though unassisted by any suggestions from it, had given that degree of attention which they deserved; and it would be seen by the changes which had been made in the measure of Government, that those objections had been duly considered. He thought it right thus far to vindicate his Majesty's Government against the charge which had been raised against it, of recklessly disregarding the feelings and wishes of the West-India body. His Majesty's Government was prepared to pay a due degree of deference to the wishes of that body, and was most anxiously desirous to receive their suggestions upon this subject; and, though the suggestions of that body, were not made to the Ministers, they had endeavoured to attend to those suggestions, as far as they had been indicated. He would now repeat what he had stated in the first instance, on bringing forward these Resolutions, that the Government was most anxious that a full consideration should be given to the rest of the plan, even though all its details might not be embodied in the Resolutions which the House was called upon to come to. There was one part of the plan of the Government which, both the West-India body, and those who were anxious for the more immediate liberation of the slave—there was one part of the plan which both those parties had objected to. He had stated, when he had the honour of proposing this plan to the House, that there were but two modes of repaying the amount which it was intended to advance to the West-India proprietors—namely, that that repayment must either be borne by the produce of negro labour, or that it must entirely fall upon the revenue of this country, and to the latter alternative, he stated at the time, that it would be impossible for the Government, or Parliament, or the country to consent. His Majesty's Government, therefore, had proposed that, one-fourth of his time being at the disposal of the negro, the produce of his labour in that time, should go to liquidate the advance made by Government, and to remunerate the proprietor for his ultimate loss in the full emancipation of such negro, and they had further proposed that the proprietor should pay an interest for the money during the period that it continued advanced to them as a loan. There was another alternative, certainly—one, too, that had been suggested by the West-India body—namely, that the loss of this 15,000,000*l.* should be borne entirely by the resources of this country; but that was an alternative to which, as he had already said, Parliament would not, of course, be disposed to adopt. His Majesty's Ministers found that a great and well-founded objection had been urged by the West-India proprietors against this part of the plan, as making the nominal payment out of the wages of the slaves be considered as the repayment of this loan, while the real repayment of it would be made out of their (the West-India proprietors') own resources. They found, on the other hand, that, on the part of those who sought for the more immediate emancipation of the negro, there was a strong feeling that, during that portion of his time which was to be left at the disposal of the negro, he should be at liberty to enjoy the full benefit of the exercise of his own energies and resources. It was impossible, on the one hand and upon the other, not to feel the force of the objections thus made against this portion of the plan, and as both parties, however opposed in other respects, concurred in this manner in objecting to this part of the plan, if it should be found that the West-India body would not object to make such a provision as would compensate this country for at least a large portion of the interest of the sum thus advanced, and if they would not object to an increase in the taxation upon colonial produce, his Majesty's Ministers, under such circumstances, meant amongst other alterations to propose that the proprietors should be altogether relieved from any obligation to repay the money thus advanced to them, and that no deduction should be made from the wages of the negro for that purpose either. They proposed that during the negro's apprenticeship of twelve years this reward should be held out to him as an inducement to habits of persevering industry and exertion—namely, that by the payment of a certain amount of the produce of his labour during the time at his own disposal, the period of his apprenticeship might be redeemed; that was to say, that when he had, in this way, paid the sum agreed upon as compensation to his master, he should be discharged from the remaining portion of his twelve years' servitude, and amongst other advantages embraced in this alteration, it would afford to the negro an opportunity of proving himself a man of persevering and industrious habits. In that way his Majesty's Ministers proposed to submit to the House such a modification of the plan as did not introduce a material alteration into the Resolutions now before it. It appeared to him that it would be only dealing fairly with both parties interested in this question, and with the House, to state at once the course of proceeding with regard to which his Majesty's Ministers had made up their minds in consequence of the introduction of this alteration into the plan. They intended to propose that an additional amount of duty should be charged upon sugar. He was well aware that such a proposition was not free from difficulties and objections. He knew that the amount of duty on sugar at present was high, and that it would be well if it could possibly be somewhat reduced. But, believing as he did, that a trifling increase in the amount of duty would answer the purpose in question, he felt that his Majesty's Ministers were justified, looking back to a former precedent, when a reduction of the duty on sugar from 27*s.* to 24*s.* did not in any way affect or benefit the interests of the consumer, while it occasioned a considerable falling-off in the revenue, in assuming that the proposed increase would not affect the interests of the consumers in this country, while the revenue might be so increased as to compensate us for the loan advanced to the West-India proprietors. But if the effect of the raising of the duty should be a rise in the price of sugar in this country, it would be, of course, upon the consumers—that was to say, upon the people of this country—that the burthen would fall (for he did not contemplate, in consequence of such increase of duty, any material diminution in the consumption of sugar), and, in his opinion, it ought to be borne by them; and, he believed, it would be cheerfully borne by them, especially when they considered the great benefit and convenience that would be reaped from getting rid of the objection which had been made to this portion of the plan. He had seized the first opportunity to state this important modification to the Committee, in order that the attention of Parliament might be directed to it. He did not state it for the purpose of calling now for the judgment of the House upon it, as in passing the Resolution now before it, the House was not called upon to express any opinion with regard to such a modification of the original plan. He hoped and trusted that they would have the aid and concurrence of the local legislatures, "in providing for the religious and moral education of the negro population to be emancipated." They were greatly mistaken who supposed that Ministers or Parliament, without any reference to the feelings of the Colonial Legislatures, were anxious to precipitate this measure. It was in consequence of the vain efforts which had been made to induce the Colonial Legislatures to act in accordance with the expressed wishes of Parliament and the country on the subject, that they felt bound to legislate upon the great leading principles embraced in the measure, leaving the local details which could not be filled up here to be filled up by the different local legislatures. Without, then, refusing to the local legislatures the settlement of that which properly belonged to them, when we had forced the great leading principles upon them, their last hope of preventing the freedom of the negroes would be removed; and after the excitement occasioned by this question had passed away, he hoped and trusted that they would anxiously join with us in making those local regulations that were necessary for carrying the wishes of Parliament into effect. To them, therefore, was left the filling up hereafter of the details of that great outline which we now feel it our duty to mark out for them at once, and for ever.

Colonel *Leith Hay* said, it must be admitted that this was a most important question, leading in its results to consequences more serious to the colonies than any measure which had been brought forward since the dispute with the American colonies; and, he certainly should not have trespassed upon the attention of the House, had he not been able to speak from personal observation of the condition of the negroes in the Leeward Islands. From his personal knowledge, he was prepared to say, that the plan of his Majesty's Ministers could not be carried into effect. The negro population of the British slave colonies were not yet prepared for the gift of freedom. They were at present an indolent and idle race, and it could not be expected that they would work unless there existed some means of making them. He condemned that part of the plan which provided for the enrolment of the slaves as apprenticed labourers. This permission would be acted upon by the able-bodied slaves only, leaving the children, the aged, and the infirm, amounting to two-thirds of the whole, to remain a burthen upon the estates. The hon. Member proceeded to read the evidence of several witnesses given before the West-India Committee for the purpose of showing, that in the opinion of impartial witnesses, of persons not connected with parties, immediate emancipation was altogether impracticable, reference being had either to the safety of the colonies or the welfare of the slaves. As to the condition of the slaves much evidence had been taken; and Admiral Sir Charles Rowley declared that, if born to a state of absolute labour, he would rather be a black man in Jamaica than a white labourer in England, it being his opinion, that in the former case he should sooner be his own master. There was a great deal of evidence also to show, that the habits of the negro had not improved after emancipation in those places where the experiment had been tried. The hon. Member referred in particular to the state of St. Domingo, and to the evidence of Mr. Mackenzie, of Mr. Simpson, and Mr. Living. He (Colonel Hay) agreed with the hon. member for Weymouth upon the abstract principle of emancipation; but he could not go along with him in a measure which, he thought, was destined to plunge the colonies into confusion, and bring them to destruction. He had given no pledge at the hustings on this subject, but had always refused to do so. He was, therefore, free to say, according to the dictates of his conscience, that he could not view the Government plan as one that was calculated to promote the internal or external prosperity of the colonies, to advance the moral improvement of the slave, or to place him in a state of society in which there was any prospect of his going on temperately and dispassionately for his own and for the general welfare of the community. He happened to be better acquainted with Barbadoes than the other slave colonies of this country. In that colony, there were 5,000 proprietors, owning in all 80,000 slaves. Of these 5,000 proprietors not more than 1,500 possessed landed property, leaving 3,500 who possessed amongst them 33,000 slaves. He left it to the House to consider what would be the condition of those 3,500 slave-owners under the provisions of the plan now brought forward by Government. Of what avail would the proposed advance of 15,000,000*l.* upon colonial property be to them? They had nothing to offer as security for a loan, and yet their property was about to be deteriorated, if not entirely sacrificed. He believed that the proprietors of slaves acted, generally speaking, with great kindness and consideration towards them. There were no doubt individual cases of a contrary conduct; but a slur ought not to be thrown upon the conscientious on that account. Mildness and kind treatment in the master, however, did not always ensure good conduct in the slave. It was notorious that the insurrection of the year 1816 in Barbadoes began upon the estate of a planter, who was known throughout the island as the best master, the kindest and most affectionate in his treatment of his slaves in the colony. There was another topic which had arisen on a former occasion to which he also felt it necessary to advert. It had been stated that all instruction had been withheld, and that the planters were not only jealous of the clergy, but were adverse to anything like a system of slave education. The fact, however, really was, that in Barbadoes, so long ago as the period of the administration of Lord Combermere in that island, public schools had been established in which the negro, the coloured, and the white children were instructed together. Those schools, however, having been demolished during the hurricanes which prevailed in the year 1831, before even the re-erection of private buildings was commenced, subscriptions for rebuilding the schools were set on foot in the island, and the gallant officer, the then Governor, Sir James Lyon, himself subscribed 500*l.*, and they were found again in full operation by the Earl of Mulgrave when on his way to the government of Jamaica. With such facts as these, he was entitled to deny the allegation that there existed in the colonies that want of provision for the education and instruction of the slave population which had been so much relied on as manifesting a disinclination in the colonists to improve the condition of the slaves. He had stated thus much upon a firm conviction of his own mind arising from what he had himself witnessed—a conviction not prompted by any selfish motive, for, being unconnected with the colonies, he had no interests to serve beyond what he conceived to be the whole community — interests deeply involved in the result of this great and important question, which required the most calm and deliberate consideration, lest should be inflicted the most severe colonial blow that was ever felt in this country.

Mr. *Patrick Stewart* said, he felt himself placed in a very unpleasant dilemma upon the question then before the House. The duty which he owed to that House and to the colonies called upon him to declare unreservedly his opinion, although in giving that opinion he might wound the feelings of friends, and of individuals for whom he entertained the highest personal respect. At the outset he must express his regret at the tone of the speech with which his right hon. friend (Mr. Stanley) had ushered in the question of Emancipation. With great reluctance, indeed, did he come forward publicly to cast any blame upon his right hon. friend, of whose character and talents he had the highest opinion. If, however, his right hon. friend had dealt with this important subject in a milder tone, acting more as a mediator than as a partisan, he would have done great good, instead of doing as he feared his right hon. friend had done, great and irreparable mischief. It was, he confessed, inexplicable to him, how, after the severe trials to which the planters had latterly been subjected, his right hon. friend could have made up his mind to come forward and deliberately bear with so heavy a hand upon them, as he had done in his late speech, identifying himself with a party whose irresponsible precipitancy he had always considered it was the duty of the Colonial Secretary to modify and temper. He was reluctant to speak thus, but the fearful measure of his right hon. friend having gone out to the Colonies, with the fearful speech with which he introduced it, he felt that he should abandon his duty as a Member of that House if he did not sacrifice all considerations of friendship, and speak out his unqualified disapprobation both of the measure and of the speech of his right hon. friend. If the right hon. Gentleman doubted the tendency of his able and most ingenious speech in other respects, he would refer him to the hon. member for Weymouth, and the hon. and learned member for the Tower Hamlets, who knew, and indeed represented, the feelings of the party to whom he alluded. He had thought it had ever been an axiom in the Colonial-office, that in all matters for the amelioration of the condition of the slaves, the Colonial Legislatures must be made use of, and that, without their consent, no benefit could be achieved from any proposition, but, on the contrary, evil must ensue. That axiom had not, in the present instance, been adhered to. The right hon. Gentleman had, in the course of his opening speech, quoted the language of Mr. Canning at a period when Mr. Canning was not a Minister. If the right hon. Gentleman chose to adopt that distinguished individual as a guide, he should take him in the character of a Minister. 'If (said Mr. Canning, in 1824) 'the condition of the slave is to be improved, that improvement must be introduced 'through the medium of his master. The 'masters are instruments, through whom 'and by whom you must act upon the slave 'population; and if, by any proceedings of 'ours, we shall unhappily place between 'the slave and his master a barrier of insurmountable hostility, we shall at once put 'an end to the best chance of Emancipation, 'or even of Amendment, instead of diffusing gradually over those dark regions a 'pure and salutary light, we may, at once 'kindle a flame, only to be quenched in 'blood.'* Mr. Huskisson had also given as his opinion, that any attempt to carry into effect improvement other than through the intervention of the masters would end in ruin to the colonies, without benefiting the slave population. Such were the conclusions at which, on this important topic, those two great masters of practical legislation arrived. And having been so bold as thus to rebuke the spirit in which his right hon. friend had brought forward his Resolutions, he must also endeavour to refute some of his right hon. friend's statements. The system of slavery was condemned on all sides; he therefore, had not to defend that; but he would put it to the House and the Government whether, instead of entering, as had been the case, upon the horrors of that condemned system, it would not have been better to have avoided such a detail; for, in fact, the only difference of opinion which now prevailed was as to the most safe, satisfactory, and honest mode of abolishing slavery. Notwithstanding the attacks which had been made upon the colonists they had still a good name, which could not be "filched" from them. The right hon. Gentleman (Mr. Stanley) had, in allusion to the communication between the then Colonial Secretary (Earl Bathurst) and the Crown colonies in 1823, said, that the Government Resolutions had been then disdainfully rejected by the colonists. This was a charge of a grievous nature and most unfair. If the right hon. Gentleman had been longer in his office, he would never have ventured upon so unfounded and unjust a charge; for had he consulted the documents contained in the Colonial-office itself—namely, the despatches of Mr. Huskisson and other Ministers, he would have found that they expressed the gracious admiration of the King and Government of the measures adopted by the colonists for the amelioration and improvement of the condition of the slaves. He should then be able to convict his right hon. friend of inaccuracy and injustice by documents taken from his own office. The hon. Gentleman then proceeded to read portions of various despatches from the Government at home to the Colonial Legislatures, chiefly during the years 1826 and 1827, and directed to St. Kitts, Nevis, Dominica, and other islands, in which the proceedings of the latter were highly recommended, and which he said were a full answer to all the calumnies of the right hon. Secretary. The island of Demarara had been particularly pointed out as a place where cruelty to slaves was even more notorious than at any other island. And the right hon. Secretary had painted in strong colours the cruelty of separating families by sale as one of the enormities there practised. But by a law of Demerara passed in 1825, the separation of families was prohibited, with an exception suggested by Lord Bathurst himself, that young persons of the age of sixteen years might be sold separately. The hon. Member quoted the declaration of the Deputy First Marshal of Demerara, to the effect, that it had never been the custom there to separate families, although in several instances members of a family had objected to being sold to the same planter with each other. Another calumny was, that the planters had not provided for the religious instruction of the slaves. He denied this imputation. In Demerara the Court of Policy passed, on the 7th of September, 1825, "An Ordinance for the religious Instruction of Slaves." This Act provided for the appointment of a protector and deputy-protector of slaves—it appointed an advocate to defend the slave and to prosecute on his behalf—prohibited slaves from being worked between sunset on Saturday and sunrise on Monday—directed Sunday markets to be closed after eleven o'clock A.M.—abolished the whip as a badge of authority or stimulus to labour in the field—restricted punishment of male slaves to twenty-five stripes, the punishment to be inflicted in the presence of witnesses under a penalty of 900 guilders—prohibited the flogging of female slaves under a penalty of 1,400 guilders, equal to 100*l.* sterling—required a record of all punishments to be kept—authorized the solemnization of the marriage of slaves—restricted the hours of labour in the field from six o'clock in the morning to six o'clock in the evening, out of which time two hours were to be allowed for rest and refreshment—it forbade the separation of husbands and wives, or their children under sixteen years of age—recognized the usage of the colony, and established the right of the slave to hold and dispose of property, and instituted savings' banks under the direction of protector, and it rendered a person twice convicted under this Act liable to double penalties, and not to be allowed to manage slaves after; and, if a proprietor, curators, were to be appointed to his estate to manage the same, This was a spontaneous act of the Court of Policy, passed under the recommendation of Lord Bathurst, then Secretary of State for the Colonies, and before the issuing of any Order in Council for the regulation of slaves in that colony; and he asked the House whether that did not afford a complete contradiction to the assertion made here—that nothing had been done in furtherance of the resolutions of Parliament of 1823; and likewise to that assertion made in another place—that there had been no improvement in the slaves' condition for the last forty years; a remark which he should be unwilling to attribute to anything else than an inconceivable state of ignorance. It might, perhaps, be contended that this enactment had not been efficient—that it had been like other laws passed in the colonies, without an executory principle, but he would show that this was not the case; and he must maintain that if the law, after having been duly passed and promulgated, had been suffered to lie dormant, the blame would not attach to the colonists, but to the Government authorities whose duty it was to see that it was carried into effect. It had also, been said, that nothing had been done for the religious instruction of the slaves. In answer to that he would state, that there were at present, belonging to the Established Church of England, seven rectors and one curate; there were two Roman Catholic Priests, twelve catechists, five ministers of the Scotch Church, and two of the Church of Holland. For the support of the church there, and for the dissemination of education the cost yearly was 135,400 guilders, or 10,000*l.* and since the year 1824, a very large additional sum amounting to 200,725 guilders had been employed in building churches, besides which many individuals had voluntarily contributed to the same object. All these expenses had been borne solely by the inhabitants, by a rate levied by the Court of Policy. He was perfectly astonished, therefore, to hear the right hon. Secretary's charges. With respect to the admissibility of slave evidence, the right hon. Gentleman had himself read a sort of recantation, but he (Mr. Stewart) knew that only in two islands any peculiarity in this respect now existed. In Demerara slave testimony had been admitted from time immemorial. In fact he had previously considered that it was the A B C of Colonial Information to know that the evidence of slaves was admissible in all the colonies; yet here came forward the right hon. Secretary, and denied a fact which was notorious. He should give several instances where convictions had been obtained solely on slave evidence —some of them capital. For example, in 1824 Peter Beeke, an old inhabitant, had been convicted and executed for murder on the evidence of his own slave; and so lately as the 16th of March, 1831, a person, of the name of Matthew Rush, had been fined 1,000 guilders for an infringement of a colonial act on slave evidence only. Other cases might be quoted, but there were sufficient to show how little the right hon. Gentleman knew either of the law itself or of the manner in which it was executed. He would next proceed to notice an important point which bore immediately and directly on the character of the planters. The right hon. Secretary had stated, that Demerara afforded a striking proof of the destruction of human life by the cultivation of sugar, that as its cultivation had increased from 336 cwts. in 1823, to 806,120 cwts. in 1829, the number of slaves had diminished from 72,722 to 67,741, and the right hon. Gentleman immediately inferred that the increased cultivation of sugar had caused the diminution in the number of negroes. The fact, however, was, that though the produce of sugar had increased the produce of coffee and cotton had decreased. To confirm the statement the hon. Member read the following returns:—

---

* Hansard (new series) x. p. 1109.

"By returns on oath given in to the Court of Policy for the purpose of taxation, the quantity of produce made during the periods mentioned, was in the first (1823, 1824, and 1825)—

231,478,633 lbs., (Dutch weight) of Sugar
17,779,473 lbs., „ „ of Coffee
6,808,913 lbs., „ „ of Cotton

In the second (1826, 1827, 1828),

239,556,976 lbs., (Dutch weight) of Sugar
13,897,083 lbs., „ „ of Coffee
7,389,373 lbs., „ „ of Cotton

In the third (1829, 1830, and 1831),

262,709,559 lbs., (Dutch weight) of Sugar
7,059,431 lbs., „ „ of Coffee
2,252,557 lbs., „ „ of Cotton

The decrease of coffee and cotton was considerably greater than the increase of sugar, comparing the third period (1829, 1830, and 1831) with the first (1823, 1824, and 1825).

Slaves employed formerly in the cultivation of coffee and cotton, have latterly been employed in the cultivation of the cane.

By the change from coffee and cotton to sugar upwards of 8,000 acres have been thrown out of cultivation.

	Acres.
Decrease of Coffee 10,720,042 lbs., to produce which in three years, land must be cultivated to the extent of about	8,000
Decrease of Cotton 4,556,356 lbs., to produce which in three years, land must be cultivated to the extent of about	6,000
	14,000
Increase of Sugar 49,230,926 lbs., to produce which in three years, land must be cultivated to the extent of about	6,000
	8,000

acres of land, consequently, thrown out of cultivation, which goes to prove that the labour of the negro, in late years, has not been greater than it was in former years."

The increase in the quantity of sugar then was accounted for without supposing that greater toils had imposed on the negroes or that the avarice of the masters had sacrificed to a little increase of profit the lives of their slaves. There had been, besides, improvements effected in the machinery for producing sugar in these islands, as well as in the manufactures here, and consequently much more sugar had been produced than heretofore by an equal quantity of labour. The right hon. Secretary had also averred, that the decrease in the number of slaves was principally in those between the ages of thirty and forty while there had been an increase in the number of the very old thus inferring that it was the excessive labour of cultivating sugar which killed the slaves. But was that the fact? By the Registration of 1829, it appeared that in a population of 71,382, there were—

		Deaths.	
12,788	under 10 years of age...	1,063,	or $8\frac{999}{3197}$
13,677	between 10 and 20 ...	408,	or $2\frac{13446}{13677}$
8,792	„ 20 and 30 ...	392,	or $4\frac{504}{1099}$
15,524	„ 30 and 40 ...	1,209,	or $7\frac{3058}{3881}$
14,623	„ 40 and 50 ...	1,630,	or $11\frac{2147}{14623}$
6,978	upwards of 50, ...	1,020,	or $17\frac{287}{2989}$
71,382		5,724	

Showing, that the greatest mortality occurred between the ages of 40 and 50, and upwards, and in that part of the population under 10 years of age. Of those upwards of 50 years of age, 7 per cent. died in three years; between 40 and 50 years of age, 11 per cent.: under 10 years of age, 8 per cent. in three years; and from people of these respective ages it was admitted that little labour is required. The right hon. Secretary asserted, that the greater portion of the deaths had taken place in that part of the population between the ages of 30 and 40; to use his own words, "the time at which labour was most severe." But from the same Return the deaths between 30 and 40 were 7 per cent.; between 29 and 30, 4 per cent.; between 10 and 20, 2 per cent.; and the whole of this calculation was made from unquestionable authority, the Slave Registrar's Return. He had thus proved, that the greatest mortality had taken place in that portion of the population which was at a period of life when the least labour was required; and also, that the least mortality had occurred at the periods when the most labour might naturally be expected from man—and thus he had proved, that the statements of his right hon. friend were incorrect, and calculated to mislead the judgment of this House, and the country at large, and to do irreparable injury to those connected with that valuable colony. It appeared that there was a falling-off in the total population of Demerara, and Essequibo—comparing the registration list of the 31st of May, 1832, with that of the 31st of May, 1829—of 2,926. When an inquiry however was instituted into the comparative progress of the population of a country, with a view to form a correct judgment, it was essential to ascertain, in the first instance, as was mentioned by the hon. Baronet opposite, what was the state and condition of that population at the period, of the comparison in respect of the ages at which the various portions, which constitute the mass, had attained. Suppose a society so constituted, or a mass of population so artificially aggregated together, that, consisting of 100,000 individuals, one half of them, at a given period, exceeded fifty years of age. It must be self-evident that with a population of superannuated elements, such a society could not, by what Gibbon calls "the milder, but more tedious method of propagation," do otherwise than materially fall off for a great number of years; and, in fact, it must continue to decline till the population arrived at that point at which its different portions at the respective ages became arranged in their natural order. That observation applied to the case of Demerara. The average age of the whole population was upwards of thirty-four years; and it was of importance to observe, that the ages of all slaves, and more particularly of Africans, grown up, were necessarily put down conjecturally in the first registry, to which all the succeeding ones conformed. The negroes themselves, could throw no light on their own age, as they are notoriously defective in their notions of time, and careless in observing the order and succession of events; and it was indisputable that, in general, the ages assigned were below the real ones. Forming, as the slave did, in most cases, the chief part of the planters' property, they were naturally anxious, in putting formally on record a description of it, not to under-rate its value, as many, if not all of them must contemplate an eventual sale or mortgage of this property; and thus it was likely, that the slaves, then exceeding twenty-five to thirty years, had in general their ages understated by four to five years. This would tend to increase the proportion of individuals at an advanced age, at the initial period; add to that the great original disparity of the sexes—and to that again the important circumstance, that nearly 55 per cent. or upwards of one-half of the population of 1817, were Africans imported from a different country across the Atlantic, and placed in new circumstances as to climate, &c.; and when all that was considered, it would appear wonderful that the aggregate decrease had not been more. It was also important to remark, that the Africans were deeply and hereditarily infected with a variety of diseases peculiar to their race and country, and which were transmitted to their Creole progeny, and no doubt it will take a length of time to eradicate them finally from their descendants. Of these the yaws and the leprosy might be mentioned as the principal; but there were other African diseases of which the names even were not known to European physicians. For these reasons, in order to form any just conclusion, it was necessary to look at the Creole population. The question then is—what result did that population exhibit? The Creole population, in 1826, was 40,892, of which 21,032 were females; from that period it might be assumed that all children born were the offspring of Creole mothers.

The number of Births from 1826 to 1829, was . . .	4,679	2754
Deaths of Creoles for the same period	1,925	
Births from 1829 to 1832 . .	4,090	924
Deaths of Creoles for the same period	3,166	
Increase .		3678

in six years on a population of 40,892, or near 9 per cent., which excluded manumission. This period was taken, because it was the earliest at which the Creole births could be fairly considered as the offspring of Creole mothers. In 1817 the number of African females registered was 17,893; the importation from Africa having ceased in 1807, most of the survivors in 1826 must have been past child-bearing. He had troubled the House with these particulars in order to prove, that as regarded the increase among the negroes, there were many circumstances which affected the calculations, and that it was not in nature that such increase should be at all equal to that of other masses of population. He would next make a few observations with respect to the decrease, or mortality, of the colonial labourers. The planters of Demerara had been charged with over-working their slaves, and this had been advanced against them as a principal cause of the decrease in the population of that colony; but nothing could be more unjust or unfounded. If the negro were over-worked, his life would be shortened. Now he would recur once more to the return of the deaths at Demerara, and of the age at which they took place, and would compare them with a like number of deaths in different places in this country. This comparison would enable the House to arrive at a correct judgment, and for this purpose he referred to the Appendix to the Report of the Committee of the House of Commons on the Factory Bill, wherein it appeared that, in a number of 10,000 deaths in a healthy county (Rutland) in England, under 20 years of age 3,756, under 40 years of age, 5,031 died; lived to 40 years and upwards, 4,969; in this Metropolis, under 20 years of age, 4,580 died; under 40 years of age, 6,111 died: lived to 40 years and upwards, 3,889: in the town of Preston, under 20 years of age, 6,083 died;

under 40 years of age, 7,462 died; lived to 40 years and upwards, 2,538; in the town of Leeds, under 20 years of age, 6,313 died; under 40 years of age, 7,741 died; lived to 40 years and upwards, 2,559: in the town of Bolton, under 20 years of age, 6,113 died; under 40 years of age, 7,459 died; lived to 40 years and upwards, 2,541. Now, in Demerara, it appeared by the last Registration, that the deaths during the triennial period were 7,016—of whom died under 20 years of age, 1,929; died under 40 years of age, 3,359; and 3,657 lived to upwards of 40 years of age. Supposing then the number of deaths to have been 10,000, instead of 7,016, the result would be—died under 20 years of age, 2,749; died under 40 years of age, 4,788; and lived to 40 and upwards, 5,212; being 243 in favour of the duration of life in the Colony of Demerara, as compared with the healthy county of Rutland, and an enormous difference in favour of the colony as compared with the towns before mentioned. After this plain statement, it would be difficult to maintain, that mortality in the Colony was to be ascribed to excessive labour. There was another point of view in which he desired to place this interesting subject—he meant the average mortality of Demerara as compared to other places. The average range of mortality in Demerara was as 1 in 37, while it was 1 in 60 in England and Wales, in Sweden 1 in 48, in Nice 1 in 31, 1 in 32 in Paris; 1 in 25 in Rome; 1 in 24 in Amsterdam; in Vienna 1 in 22½; showing that the average mortality in Demerara was less than the average mortality in the principal cities and countries of Europe. Yet Demerara had been described as that place where the planters were most reckless of human life, and most destitute of humane feeling. It should be further remarked, that the return, from Demerara included only the slave or working population; while the return from the European cities embraced high and low, those who lived in luxurious ease, and those who had to toil, and were exposed to all the accidents of toil for their scanty living. These observations, which applied strictly only to Demerara, might be extended to all the other colonies. It proved that the statement which the right hon. Gentleman had made the other evening as to the population of the colonies was neither fair nor just. He would not make any lengthened observations on the scheme of the Government, altered as that had been, but there were two tests by which that and all other schemes must be tried. How would it affect the slaves, and how would it affect the planters? He did not think it would be either humane towards the negroes, or honest to the proprietors. By reducing and destroying the planters, he believed that, in its effects, it would be both inhuman and dishonest. He did not object to the first Resolution; it was the lineal descendant of the Resolutions of 1823. The plan, however, neither consulted the welfare of the slave nor the interest of the proprietors. If the House could accomplish with safety the transition from slavery to free labour, it would confer the greatest possible boon on the West-Indian proprietors. They desired it to a man but the negro would receive no immediate benefit from this plan. The apprenticeship, at the end of twelve years, would still leave him a dead weight on the planters; and there was a party in England which would allow them to have no quiet while a slave or the descendant of a slave remained alive. He would be, at the end of his apprenticeship, a burthen on the property, and the proprietor would be even then the victim of the outcry against slavery. It was expected by those who proposed the plan, that the slave would have motives for toil in the artificial excitements of civilization; but those who calculated thus knew nothing of the slaves. The negro could not comprehend the motives of which civilized man admitted the force and admired the operation. Under one of those wise documents which had formerly been sent to the colonies, the slaves had been made assessors, but that title had no charms for them. They did not comprehend that gratification which being addressed by the name of a Juryman was felt by us, and formed a motive for overlooking the trouble of the office. The property of the masters would be immediately injured by the scheme. They would have, as at present, all the expense of the total outlay, with the additional cost of a scale of wages. The planters would not have one benefit from the scheme, except the loan, which amounted to nothing. It had been calculated on wrong data. He knew that the Board of Trade had returned 1,500,000*l.* as the income of the colonies, but that included only the absentee income. The whole income ought to be included—the whole exports to all other parts of the world, as well as to Great Britain; and that would give a very different result. He knew it was unpopular to say, that the planters had a right of property in their slaves; but he asked, what species of property could be considered safe in this country, if their property in slaves, which had been secured by Acts of Parliament since the days of Elizabeth, was not to be considered legal and secure property? He could assure the House, if that property were not safe, it would be time for every man to look at home. He was sure, if they violated the planters' property, it would cause a great convulsion throughout property in this country. If public faith and public law were to be observed, the property of the planters was as secure as the property of any other persons. The hon. Member referred to an opinion of Lord Stowell's, delivered in 1827, to show that emancipation, to be just, must be at the expense of both parties; while the people of England seemed to think it ought to be cheap to them, and wholly at the expense of the colonists. Lord Stowell expressly stated, that slavery was the crime of the whole country, and not of the planters. The hon. Member quoted an Act for explaining an Act of Anne, for reducing the sale of interest, which expressly secured all the mortgages in the colonies and plantations. He also quoted the 13th Geo. 3rd, cap. 14, for encouraging foreigners to invest their money in our colonies, which, under that Act, they had done, to show that the Legislature had expressly recognized the property in slaves, and had pledged its faith to support that property. As foreigners had been encouraged by that Act to invest their property in our colonies, there ought to be a Congress before the question could be settled. He admitted, that this species of property was repugnant—was revolting; he was willing to put an end to it: he even implored the House to wipe out that stain, but to do it in a way that became a people of high honour and high character. The crime was national—let the expiation be national. He asked to be delivered from slavery, but let it not be done at the destruction of property. If that was not an awful subject, he knew of none on this side the grave which deserved the name. He thought the words of Burke, in 1775, were applicable now. Burke said—'Slaves 'as these unfortunate black people are, and 'dull as all men are from slavery, must 'they not a little suspect the offer of freedom from that very nation which has sold 'them to their present masters?—From 'that nation, one of whose causes of quarrel 'with those masters, is their refusal to deal 'any more in that inhuman traffic? An 'offer of freedom from England would come 'rather oddly, shipped to them in an African 'vessel, which is refused an entry into the 'ports of Virginia or Carolina, with a cargo 'of 300 Angola negroes. It would be 'curious to see the Guinea Captain attempting at the same instant to publish 'his proclamation of liberty, and to advertise his sale of slaves.' He repeated, then, that it was an awful subject, and he called on them to look at St. Domingo, and take warning. In 1791, that was a flourishing industrious island; now, it was one wide scene of licentiousness, idleness, and poverty. In 1791, the crops were valued at 6,000,000*l.* sterling; in 1825, when the population had increased by 400,000, the value of the crops was not more than 420,000*l.* At the same time, the interest of money was seventy-five per cent., and the best land in the island might be had at two and a-half years' purchase. He again conjured them to take warning by the example of St. Domingo. All that devastation had been brought about, in spite of the great talents of Toussaint L'Ouverture, of which even Bonaparte was jealous; and in spite of all the vast energy of Christophe, aided by the advice and assistance of liberal men, both in Europe and America, who had all struggled, but struggled in vain, to reduce the emancipated slaves to obedience to the laws, and to establish order. The hon. Member next referred to Venezuela, where, he said, there were only five or six sugar plantations, and they were all worked by slave labour. He contended, that this showed that the statements of the right hon. Gentleman were not correct. He asserted, that all the planters, and all the agents of the colonies, and all the persons connected with the colonies, who were now gathered in London, looking eagerly for the settlement of this question, were willing to lend their assistance to abolish slavery with safety to themselves. He confessed himself a bad advocate of their cause—quite unequal to contend with the right hon. Gentleman, and those great men who had been advocating the cause of the slaves for years. He could not plume himself, that any shaft of his would rise so high as theirs, but he hoped the House would at least give him credit for being sincerely in favour of the cause he was so inadequately defending. Both as the Representative of an enlightened constituency, and as the servant of Him, all whose services were pleasant, being "perfect free dom," he was bound to do his duty; and, though he knew the course he was pursuing was at present unpopular, to shrink from the performance of his task would be unworthy of a man and a Christian.

Mr. *Fowell Buxton* admitted the sincerity, and the great power and good humour with which his hon. friend, who had just sat down, had so ably advocated the cause of the West Indians. The hon. Member had chiefly replied to the speech of the right hon. Gentleman, the Secretary of State, and he was sorry to say, that with the latter part of that speech he did not agree. But he must call on the House to look at facts which were uncontradicted, and defied contradiction. He could not but advert with gratification to the speeches both of the right hon. Gentleman and the noble Lord (Howick); for in them he found complete justification of all the opinions he had ever entertained, and of the course he had pursued. His motives for bringing forward the subject had been impugned; he had been assailed by all kinds of vituperative epithets; and should he be again assailed by them, he would point to the speeches of the noble Lord and the right hon. Gentleman as a complete justification. Now no longer would the advocates of slavery be stigmatized by the grossest epithets which could be extracted from the vocabulary of abuse. The noble Lord (Howick) had afforded the most substantial proof of the sincerity of his opinions on the subject of slavery by his resignation of office —opinions which it had been stated had been first implanted in his mind by him (Mr. Buxton). He could not, however, lay claim to this honour, though perhaps he might have had reason to be proud of so apt and able a pupil, for never had he had the honour of one moment's conference with that noble Lord before he brought forward the proposition which had redounded so much to his credit. The right hon. Gentleman also was a convert; but a convert to facts, and not to any influence. His hon. friend had dwelt much on the state of the population of the West Indies; he would not answer that part of his hon. friend's statement, because he knew it was impossible to carry a long array of figures in the head, and he had already forgotten those of his hon. friend. When he had been about to make such a statement, he had submitted it a week before making it to the House, to his hon. friend; and his hon. friend should have answered then if he could. His hon. friend had not, on this occasion, conferred a similar favour on him, and he, therefore, was not prepared to answer his hon. friend's statements. It was certainly gratifying to him to find that his hon. friend had now endeavoured to show from the state of the population, as he had done last year, what was the condition of the slaves, though he did not think that the observations of his hon. friend had invalidated his arguments. The diminution of the female population was as great as that of the male; but the hon. Baronet had said, that a similar result would be found in this country on looking at those classes of persons who were employed in mines and factories; there it would be found that the population diminished. But what was the fact? Why, that the population of this country had increased, while the slave population had diminished to the enormous amount of 52,000 within the last ten years. How was this to be accounted for, if it had not arisen from the system of slavery? But it was not a little remarkable that no hon. Gentleman who had as yet spoken had absolutely objected to the liberation of the negroes, although the observations of his hon. friend near him, upon the state of slavery in St. Domingo, went very near the point. That would, however, have no avail with the people of England. Their knowledge on the subject of slavery, and the effects produced by it, had increased of late years, and the evidence of the necessity for negro emancipation had largely accumulated. For instance, the fact which had been frequently adverted to, and which had been repeated on that evening, that, in the proportion that the cultivation of the sugar-cane was increased, the numbers of the negro population diminished. It had been said that, at St. Domingo, the quantity of sugar had materially diminished; but had the quantity of human happiness diminished? His hon. friend admitted that the population had increased, and he could prove to their satisfaction that the comforts and improvement of the people had been materially promoted. The right hon. Gentleman below him had referred to a past speech of his, to show that he, at one time, was a friend to gradual emancipation. He wished the right hon. Gentleman had gone on to the Resolution which he moved in 1823, in which he would find a declaration that slavery was contrary to the principles of the British Constitution, and of the Christian religion. The right hon. Gentleman appeared to suppose that he did not, in those days, go to the full extent of his present principles. But since then new information had been obtained. They did not then know, as they did now, that all attempts at gradual emancipation were wild and visionary. They acted on the promise of Mr. Canning, that certain ameliorations in the condition of the slaves should take place; he assuring them that he had the authority of Government, and also of the West-India body in this country, for making that promise. One of these ameliorations was the instant abolition of the chastisement of females. Had the barbarous and disgusting practice of flogging women, however, ceased then? Certainly not. In the House of Assembly in Jamaica, a short time back, one Member had the courage to move its abolition; he found a seconder; but on a division, he had only one person to vote for his motion. Even the prejudices of the people of this country had not been consulted in this instance, and the reason why he now listened to the proposition for a gradual abolition arose from the circumstance of all the promises which had been given remaining unfulfilled. The West Indians were perfectly right when they asserted, in the first debate that took place on this subject, that the House was ignorant of the facts, that hon. Members knew nothing about the real state of the case. That was no more than the truth; for the disclosures that had taken place since fully showed that they had not the remotest idea of the extravagant horrors of the whip, or of the amount of the diminution that took place annually in the negro population. Lord Seaford, when Mr. Ellis, had represented the whip to be nothing more than a symbol of office, a mere harmless instrument in the hands of overseers; but how turned out the fact? Why, that it was established by the evidence of a Parliamentary Return, that in the colony of Demerara, hundreds of thousands of lashes had been inflicted on the unhappy slaves by this instrument of cruel torture. The House and the country were not, in fact, in 1823, aware of many of those important circumstances which had since come to light. They were not aware of the fact of the depopulation consequent on the cultivation of sugar—they were not acquainted with the lashing of women. In those days there was not the same opposition to the moral and religious education of the negroes. In those days there were no Church Colonial Unions. In those days there were no instances of negroes being tried, convicted, and punished for no other offence than that of worshipping God after the dictates of their own consciences. There were no instances of Magistrates, so far from attempting to suppress riots, assisting in pulling down chapels with their own hands. There were then no instances of missionaries being hunted for their lives, or of their disappointed hunters wreaking their vengeance by tarring and feathering innocent children. These things were not then known and understood, or the people of England would doubtless have raised their voice as loudly and as energetically as they had now done. He had frequently been called headstrong and insolent, but now the charge against him seemed to be, that he had not gone far enough: if, however, he had neglected the interests of the negro, he would endeavour to make him reparation on the present occasion; and, therefore, when they came in Committee to that part of the plan which called on the negro to work three-fourths of his time without reward, it being, at the same time, admitted that the negroes required the instigation of the strongest inducements to labour, he should, on the principles and facts stated by the right hon. Gentleman himself, give that part of the plan his utmost opposition. It had been denied by some that flogging was still practised; but though he did not wish to dwell on instances of atrocity and cruelty, he might refer to the case of Henry Williams, a negro, who distinguished himself during the insurrection by the preservation of his master's property, which he afterwards delivered up to him in full cultivation. Mr. Betty's overseer, who had no other fault to find with him, said, that if he went to chapel, he should be sent to Rodney Hall Workhouse—a dreadful punishment. Henry Williams went to chapel; he was accordingly sent to Rodney Hall prison, and flogged. A female slave dared to sigh. Mr. Betty immediately cried, "hand out that lady!"—and she was laid down, and flogged. Williams was punished so severely, that his back was a mass of corruption. This was all admitted in the evidence before the Committee, it was not mere statement. Complaint was made to Sir George Murray, a most amiable and estimable man. Sir George, with proper indignation, immediately called on Mr. Betty to account for his conduct, but he refused to answer the interrogatories. He did not deny having the female laid on the ground and flogged; but contended that he had a right so to do, and that he did not exceed the legal punishment of thirty-nine lashes. If, contended this man, the right hon. Secretary thought it contrary to law, he was ready to submit the case to a Jury of twelve honest planters, who would convince him, that he had not exceeded the undoubted right of a West-Indian overseer. When the case was brought home, it was found that this doctrine was correct in law, and he then held in his hand an extract from Lord Goderich's despatch, in which he said "there is no illegality in the proceedings of Mr. Betty; the only complaint that can be made against him is, that he has exercised legal powers in an illegal manner." He would bring into the House a witness, whose testimony could not be impeached, one of the Five Deputies from the Colonies, and the only one who refused to negociate with Government—he meant Mr. Burnley. What was the picture he gave of slavery in a pamphlet which he published? He spoke of it as a system of great enormity, infamous and disgraceful—that the present unnatural state of society in the West Indies was without parallel in the history of the world—that it was harsh in its features, revolting to every free-born mind, and required the aid of many evils to prop and support it. He also said the subject was one which was surrounded by unconquerable difficulties, and that the evils of slavery could not be remedied by anything short of its total abolition; and he did not fail to observe, that in every language, whip and slavery were found in juxta-position—that they were parts of the same system, and would stand or fall together. The description of the right hon. Gentleman was flattering when compared with that of this unexceptionable evidence. He could not help saying this—that from all the facts which had come to his knowledge, and from the communications which he received, both public and private, his mind was deeply impressed with a conviction that a servile war would be the inevitable consequence of deferring emancipation. He did not wish to enter into this painful subject. He gave the right hon. Gentleman, however, full credit for his propositions, which, together with his speech, would go a great way to diminish the probability of that disastrous event. The negroes had common sense, and, therefore, he had no doubt they would see the strong interest which they had in peace and tranquillity under present circumstances. He, however, most sincerely hoped that nothing would induce his Majesty's Ministers to postpone the settlement of the question beyond the present Session. No wisdom, no foresight could avert the doom of slavery; but wisdom and foresight might influence the mode of its termination. It might fall by violence, or it might expire in peace. It might terminate as it did in St. Domingo, amidst the horrors of a servile war, or it might be concluded with peace, safety, and benefit to all parties. The negro character was determination, and their determination was not to work. He would refer only to one instance; he did not refer to it as a case of atrocity, but simply in illustration of this statement. After the late insurrection, a negro was tried, but there not being sufficient evidence, he was acquitted. He was told to return to his work; he refused, and declared that he would never work again unless for wages. Loaded muskets were pointed at his breast, and he was ordered to return home to work or prepare for death; he reiterated his determination to die rather than work without remuneration. He was shot. When the negroes could furnish heroes and martyrs as this man certainly was to his determination, what was to be expected? There was one other topic to which he might be expected to advert—namely, the probable conduct of the negro when emancipated. He should take an opportunity of entering upon that more fully on another occasion. He had no doubt that he should be able to prove, that if they would give the negro wages, he would work for wages; and if this had not been already established, it was the fault of those who would not give wages, and not owing to any refusal on the part of the negroes. He did not claim for the negroes that they should be exempt from labour; all he claimed for them was the rights of human beings. He did not wish to enter into abstract arguments; but as an hon. Gentleman had concluded his speech by a quotation from Shakspeare, he would conclude his by referring to a higher authority—Mr. Justice Blackstone—who said, "that life and liberty may be said to be absolute rights, which belong to persons in a state of nature, which every being born in the world has a right to enjoy, and which no human legislation has a right to abridge or destroy, unless the party commit some criminal act which shall amount to a forfeiture of his right." This, therefore, he applied to negroes—and whether they would work or not, whether they preferred to live in a simple, or, as we might call it, savage state, they had still that unalienable right which Mr. Justice Blackstone referred to—they were still men, and as men unconvicted of crime, they had a just claim to be free. He sought for them the pure, primitive, eternal rights of man. If on a future occasion it should turn out that they would not work, still he would say, they were not the less entitled to the liberty given them by the laws of nature, and which by the laws of England had been taken away from them to substitute the abominable cruelties of our own. It only remained for him to state the course he should adopt in relation to the plan of the right hon. Gentleman. Though he opposed parts of it, yet he thought some of the propositions made that night were great amendments, and would prove very satisfactory to the friends of emancipation. If the opposition were successful, it was probable they would lose the benefits of this measure altogether; and so sure as that was the case, so sure would life and property be unsafe in the colonies, as had already been stated in a report signed by Mr. Burge and other West-India agents. The hon. Gentleman concluded by declaring, that he saw no alternative in the rejection of this measure but the precipitation of emancipation by bloodshed and violence. He wished one verbal alteration in the part which spoke of the proprietors of slaves. He would not recognize even in words a property in man. Though he should be sorry to vote against an Amendment embracing his own principles, yet he was bound to consult, in the first place, the welfare of the negro, and a regard for his interest compelled him to support the proposition of the right hon. Gentleman.

Mr. *Ward* supported the plan proposed by his Majesty's Ministers, and illustrated the probability of its success, by a reference to Spanish America. In Guatemala and Mexico, especially, the colonial produce was very considerable, and yet there were no slaves. The whole was the result of free labour. Before the revolution, planters, finding the expense of importing slaves to be very great, had encouraged marriages between the slaves already in their possession, and the native women; and had, in most instances, consulted their comfort and advantage. The consequence was, that when the revolution broke out, the negroes adhered as free labourers to their masters. The whole of the regulations respecting them were under the superintendence of district Magistrates; and, although they were, of course, not the most intelligent of human beings, they had no difficulty in deciding the points brought before them. The cost of production in Mexico was even less than in Cuba, where, nevertheless, it was said that great skill existed in agriculture. 150 free labourers in Guatemala produced twice the quantity of sugar that was produced by 150 slaves in Cuba. But there was another great advantage—the abolition in Spanish America of all those hateful distinctions between man and man by which North America was polluted. However inferior Spanish America might be in other respects, in that she was transcendant. The sound of the whip would never again be there heard. Adverting to Cuba, the hon. Gentleman observed, that out of a population of 750,000 only 260,000 were slaves; whereas, in the population of our colonies, only one out of twelve or one out of fifteen was free. To what did Cuba owe the advantages which it possessed? To the Spanish Colonial Code. That code secured every slave on his entrance into bondage four special rights. The first was the right of changing masters; the second the right of marriage; the third the right of acquiring and holding property; the fourth the right of employing that property in the redemption either of their wives, their children, or themselves. A Spanish Alcade or District Magistrate, was the sole Judge of the disputes between the slaves and their employers. All these regulations were found highly beneficial in Cuba, and if beneficial in Cuba, which grew a fifth of the whole sugar produced, why should they not be beneficial in islands which differed from Cuba only in this—that Cuba was under Spanish laws, and they were under English laws? If a general convulsion were to take place to-morrow in the West Indies, he believed that Cuba, in consequence of the conduct pursued by the planters towards the slaves, would escape the ruin. It was impossible, however, to look at the question only in a moral and a religious point of view; it must likewise be regarded with a reference to the great interests at stake. It was evident that slavery had for ever ceased to exist. Public opinion had spoken on that point with a voice of thunder. But it was as evident that instant emancipation was impossible. There must be a probationary stage between slavery and freedom. Although the proposition of the right hon. Secretary of State delayed the arrival of entire freedom, it delayed it only that freedom might be more valuable and secure. It had been said, that the system of corporal punishment ought to be abolished; but it was scarcely possible that the power of inflicting it should be abused when placed in the hands of Magistrates sent out from this country. The case of St. Domingo had been referred to; but if they looked to the laws of Toussaint and Dessalines, they would find that although the whip was abolished, all the black population not in the military service were *adscripti glebæ,* and even women could not proceed from one district to another without the permission of a Magistrate. In such a climate it was not possible to trust to the stimulus of wages alone; it should not, therefore, go forth that free labour was sure to prove the most economical mode of cultivation, for it would not be so unless there was some systematic preparation. In fact it appeared impossible at present that the stimulus of wages alone should be sufficient in a country in which the wants of man were so easily provided. There must be some gradual method for bringing that about, and that gradual method his Majesty's Ministers had discovered. With respect to compensation, he undoubtedly thought that the planters were entitled to it. He did not think that the House had a right to maintain any great abstract principle without a reference to the interests which might be sacrificed by it. He was not, therefore, one of those who thought that Emancipation might take place at once, or be celebrated on his Majesty's next birth-day. He could not blind himself to the wide-spread misery and devastation which such a proposition was calculated to produce, and therefore, in his opinion, the compensation might even have gone further with advantage than was proposed. He had approved of the manner in which the slaves were to work out the loan in the shape of wages, and he was sorry to hear that that part of the plan was relinquished. As to converting the loan into a gift, that seemed to him to be highly expedient; convinced as he was that the West-India proprietors would be unable to repay the money. He was far from being an advocate of the system pursued in the West Indies; but let it be recollected that the responsibility of that system did not rest on the West-India Proprietors. It rested on the British Parliament. For above two centuries the British Parliament had held out inducements to persons to invest their capital in West-India property; and those inducements had been held out to persons as intelligent and enlightened as themselves. He trusted, therefore, that the proposed plan might be adopted; and he trusted also that it would have the co-operation of the planters, without which it could not be successful.

The House resumed, the Chairman reported progress, and obtained leave to sit again.

* * *

HOUSE OF LORDS,

Friday, May 31, 1833.

MINUTES.] Bills. Read a second time:—Dramatic Authors; and Soap Duties.

Petitions presented. By the Marquess of LANSDOWN, from Wiltshire; and by Lord LYNDHURST, from several Places, against the 19th Clause of the Local Jurisdiction Bill.—By Lord POLTIMORE, from Halwell, for the Amendment of the Laws relative to Highways.—By the Marquess of WESTMINSTER, from a Wesleyan Congregation at Lynn, to Exempt all Places of Religious Worship from the Payment of Rates.—By the Bishop of CARLISLE, from his Diocese, against the Irish Church Reform Bill.—By the Archbishop of YORK, from Nottingham, for the Better Observance of the Lord's Day; and by the same, and the Marquess of WESTMINSTER, from a Number of Places, against Slavery.—By Lord SEGRAVE, from Slimbridge; and by the Bishop of BATH and WELLS, from Northwich, against the Sale of Beer Act.—By the Earl of SEFTON, from several Places, for an Alteration in the Law relating to Catholic Marriages.—By the Earl of ABERDEEN, from the Medical Practitioners of Kingston-upon-Hull; and by the LORD CHANCELLOR, from the Royal College of Surgeons, Edinburgh, for an Alteration in the Apothecaries Act.—By the LORD CHANCELLOR, from two Places, for a Better Observance of the Lord's Day; from the Jews of Portsmouth, for a Removal of their Civil Disabilities; from Harrowgate, against the Assessed Taxes; from a Unitarian Congregation of Salford, for Improvements in Education; from Newcastle-upon-Tyne, for the Revision of Petty Courts.

GAME LAWS.] The Duke of *Wellington* presented a Petition against the Game Laws from the operative Gun-makers of London and Birmingham. His Grace expressed his conviction that, since the passing of the last Act, poaching had increased in the part of the country in which he principally resided, and this he attributed to the fact that persons who had game were enabled to sell it without any inquiry being made as to the way in which it came into their possession. He was so certain that the evils of poaching had increased, that he had determined to give up preserving game, and he was only prevented by knowing that his keepers would then be thrown out of employment. He had lost one servant in an affray with poachers, and he thought therefore that it was time to give up preserving game. He repeated, that he attributed the increase of poaching to the last Game Act.

The Marquess of *Westminster* defended the law in its present state. In fact, the Act had not been passed long enough to allow of a fair estimate being made of its merits. As far, however, as he was acquainted with its operation, it had not increased poaching.

The Earl of *Malmesbury* observed, that all his anticipations with respect to the effect of the recent measure had been realized. Two-thirds of the gun-makers in the kingdom were out of employment. The poacher now brought his spoil to an open market. All shooting upon sufferance was at an end. The value of the game was now looked at in shillings and pence, and nobody was allowed to shoot. It was not his wish to return to the old system; but he certainly thought that some modification of the existing law on the subject was exceedingly desirable.

Lord *Segrave* said, that, as far as his experience went, the late Bill was a complete failure. Not only had it not remedied the existing evils, but it had increased them an hundred fold.

The Duke of *Richmond*, as the individual who proposed the Amendment in the Game-laws, felt it to be his duty to defend it. The whole *gravamen* of the charge against it seemed to be, that it allowed game to be sold. It had always been sold. As to poachers, he could not believe that they had been increased. It appeared, that the gun-makers complained of want of employment. What was the cause? That they asked eighty guineas for a gun. Let them return to reasonable prices, and gentlemen would again buy of them.

COLONEL FITZGERALD.] Viscount *Melbourne*, seeing in his place a noble Earl who had some time ago put to him a question respecting the removal of Colonel Fitzgerald from the Magistracy of Ireland, wished to say a few words on the subject. Certain charges against Colonel Fitzgerald had been made to Government, at first anonymously, but of so extraordinary a nature, that the Lord Chancellor thought it necessary to institute a particular inquiry into the circumstances of the case; and the result was, a conviction that there was some foundation for the charges. It was then thought proper to lay a case before the law officers of the Crown, for their opinion whether or not it would be proper to institute criminal proceedings against Colonel Fitzgerald. The Attorney General's opinion was, that, under the present circumstances of the case, it would not be expedient to take any steps of that kind. The case then reverted into the hands of the Lord Chancellor, who wrote to Colonel Fitzgerald, requesting explanation. The answer was so unsatisfactory, as to warrant the Lord Chancellor in removing him from the Commission of the Peace.

SUNDAY NEWSPAPERS.] The Bishop of *London* said, that on a former occasion, in presenting a petition upon the subject of the better observance of the Sabbath, he had taken the opportunity of expressing himself in rather strong language with respect to Sunday newspapers; and, as might be expected, his observations had called forth the indignation of the Sunday Press. However that might be, he should consider it his duty to omit no opportunity of stating his strong reprobation of those publications. The defence which had been set up on behalf of the Sunday newspapers was, that they were printed on Saturday, and, therefore, that they did not involve any infringement on the due observance of the Sabbath. His common sense was quite sufficient to inform him, that the printing of Sunday newspapers must take place on a Saturday; he was therefore quite aware of that at the time of making the remarks to which he now referred; but what he complained of was the publication and circulation of these papers on the Lord's Day. He (the Bishop of London) held in his hand two Petitions, which completely justified him in the view which he had taken of the subject. The one was from 110 of the master newsvenders in the city of London, and the other was signed by the servants of those newsvenders. The petition of the master newsvenders called upon their Lordships to put an end to the evils arising from the publication of those journals on Sunday, and stated their opinion, that the entire suspension of all Sunday trading would be highly beneficial. Sunday newspapers had been, in a great measure, superseded in some of their most useful purposes by the publication of *The Gazette* on Friday, and the petitioners thought that they might be discontinued without any inconvenience. The petition of the servants of the newsvenders was the same *verbatim* as that of the masters.

* * *

HOUSE OF COMMONS,

Friday, May 31, 1833.

MINUTES.] Papers ordered. On the Motion of Sir RICHARD VYVYAN, Copies of the Communications passed on certain Days between the West-India Body and the Government.—On the Motion of Colonel EVANS, an Account from the Commissioners of the Courts of Requests in the City and Liberties of Westminster, of all Sums paid in by Debtors, and unclaimed by Creditors, during the last ten years; and the Sum now actually deposited.—On the Motion of Mr. LYNCH, an Account of the Fees and Money received by the various Officers of the Court of Chancery in Ireland.—On the Motion of Mr. HUME, an Account of the Fees received by the Registrars of the Register Offices for Deeds in Middlesex and Yorkshire, from the years 1825 to 1832, and how disposed of.—On the Motion of Mr. ROTCH, an Account of all Fees paid out of the County Rate to Counsel for Prosecuting Prisoners at the Manchester Sessions in 1832: also the Number of Convicts Publicly or Privately Whipped by the several Sheriffs of Middlesex by Order of the Courts held at the Old Bailey, in the years 1830, 1831, and 1832; stating the Fee payable to the Sheriffs in each Case, and whence derived.

Petitions presented. By Mr. MADOCKS, from Wotton-under-Edge; and the Methodists of Ruthin, against Slavery.—By Mr. GOULBURN, from Cambridge, against Emancipating the Jews.—By Mr. E. STANLEY, Sir H. PARNELL, Mr. G. J. HEATHCOTE, Mr. P. PRYSE, Lord W. LENNOX, Sir H. WILLOUGHBY, Mr. O'CONNELL, and Mr. A. CHAPMAN, from several Places, against the Unequal Taxation on Timber, and other Shipbuilding Materials.—By Mr. G. J. HEATHCOTE, from two Places, for the Repeal of the 6th Section of the Labourers' Employment Act; and from Uppingham, for rendering all extra-parochial Places contributory to the Rates for the Maintenance of the Poor.—By Mr. BANNERMAN, from the Students of Medicine at Aberdeen, for an Alteration of the Apothecaries Act.—By Sir W. GUISE, and Mr. PRYSE PRYSE, from three Places, against the Sale of Beer Act; and by the latter, from Aberystwith, for Measures to Increase the Efficiency of the Established Church.—By Mr. HUTT, from the Master Mariners of Hull, against being Compelled to Contribute (the Seamen's Sixpences) towards Greenwich Hospital.—By Sir HENRY WILLOUGHBY, from the Soap Dealers of Newcastle-under-Lyne, for granting them a Drawback equal to the proposed Reduction.—By Mr. EWART, from Liverpool, for a Charter to the London University; and from a Dissenting Congregation at Toxteth Park, for Relief to the Dissenters with respect to Marriages, Registration, and Parish Rates.—By Mr. O'CONNELL, from the Debtors in Kilmainham Gaol, Dublin, for Extending to Ireland the English Law of Debtor and Creditor.—By Mr. JOHN STEWART, from several Places, against Emancipation, with Compensation to the Planters.—By Messrs. PRYSE, and G. J. HEATHCOTE, from several Places,—for the Better Observance of the Sabbath.

RENEWAL OF THE BANK CHARTER.] Lord Althorp moved, that the Order of the Day for the House resolving itself into a Committee of the whole House on the Bank Charter Act be read. It was read, and the House resolved itself into Committee.

Lord *Althorp* addressed the Committee as follows:—I believe, Sir, that on former occasions of the renewal of the Bank Charter, it has been the practice of the persons who have held the situation which I now occupy, to move resolutions in consequence of a previous application from the Bank of England, for a renewal of that Charter. On all these occasions—although that has been the form in which the Bill has appeared to commence in this House—I apprehend that such propositions have not been introduced without a previous communication taking place between the Government and the Directors of the Bank of England, and without some kind of negotiation first occurring as to the nature of such propositions. I did not think that this mode of proceeding was more than a question of mere form, and I did not, therefore, consider myself bound strictly to adhere to it. I have thought it better to make the proposition from my own suggestion, without the form of first obtaining a demand from the Bank of England. The question which I am now about to bring forward, is one of the greatest importance to the commercial interests of this country—it is one on which the value of the property of every person in this country—not merely of those engaged in commerce, but of all others—must very much depend. And therefore, in considering this subject, I felt fully sensible, of the importance of the matter; and I endeavoured, to the utmost of my power, to introduce such a proposition as should be productive of general satisfaction, and should give the most ample security to the monetary concerns of the country. During the last Session, it will be recollected, that for this purpose I moved the appointment of a Select Committee to consider of the subject. That Committee sat for a considerable space of time; and though they did not conclude their examinations, so as to be able to lay a full Report before the House, yet such have been the examinations, and such the extent of the inquiry into which they entered, as to make me think the subject had been sufficiently sifted, and, therefore, that it was not desirable that that Committee should be renewed. In the progress of that Committee, information was given which had not previously been placed before the public, especially information with respect to the subject of the management of the Bank affairs, and the state of their accounts, and that information has, I believe, changed the opinion of those who heretofore considered the subject, and from that moment the public have been more inclined to look favourably on the management of the Bank of England than they did before that inquiry. As I fear that I shall have to detain the House a considerable length of time in stating the propositions I have to make on this subject, I think I shall best consult the convenience of the House if, without further preface, I proceed to make the statement to which I wish to call their attention. With respect to the principle to which banks in this country and elsewhere, must first attend, it is the convertibility of the paper issued by such banks into money. It is only on that principle that they can pretend to say, that the paper issued by them is valuable as a medium of exchange, and as every departure from the principle of convertibility always has produced, as it always must produce, the most fatal effects to the manufactures and commerce of the country in which it has taken place. This, therefore, in the consideration of every such question, must be the point to which the House and the public must first direct their attention. The next great point is to secure the solvency of the banks which issue the circulating medium. Those two points require no lengthened arguments on my part to prove the necessity of attending to them. All men are convinced of the necessity of preserving the easy convertibility of paper into money, and all, I believe, are equally convinced that whatever means you adopt to secure the solvency of the bank which issues that paper, must be most important. But there is another part of this question which is scarcely less important, and that is, that you should obtain some security against an undue circulation with reference to its amount. I say that this is scarcely less important; for although the ruin that follows the want of solvency in a bank is immediate and extensive, it is only little less to be dreaded when it arises from an irregular and fluctuating circulating medium. If the circulating medium has been improperly increased, it may appear for a time to be a benefit, by encouraging speculation; but it only encourages that speculation at the moment to destroy it afterwards, for destruction must follow on the first fluctuation of the funds that have supplied the circulating medium. It is almost impossible in any paper circulating medium to prevent entirely these fluctuations. The only reasonable object of the Government, therefore, is to adopt such a system as will render these fluctuations as infrequent, and as little injurious as possible. The amount in circulation must depend mainly on the demand in the country; but in case of a great increase of the circulating medium so as to produce a depreciation in the value of the currency, the only safe and possible remedy is the effect of the foreign exchanges on the country. So long as you have a complete convertibility of paper into coin, the foreign exchanges will rectify the depreciation by the drain of bullion they will create, and by the change of currency consequent upon it. It is therefore most desirable, that in any arrangement that may be made, as little interruption as possible should be given to the effect of the foreign exchanges upon the currency of the country. Every endeavour to interfere with the exit of bullion from the country must be of mischievous consequence, and so must every attempt not only to prevent it altogether, but even to delay it; for the only consequence of that delay must be, to prevent the operation of the check upon a too depreciated currency, and to make the fluctuation greater and more lasting. The question, therefore, that the House has to decide will be, in what manner, for the future, the mode of supplying the paper currency of the country shall be carried into effect. It is perfectly well known, that the Bank of England, possessing as it does a monopoly of the circulation of the metropolis, has possession of the market at that point from which all the circulation of the country must flow. Whenever the foreign exchanges are against us, it becomes the interest of a party to send bullion abroad; and when such has been the case, what is the place to which he has gone to get bullion in order to send it abroad? Why, to the Bank of England. The question, therefore, for the House to decide is, whether it is most desirable that the management of the circulating medium of the country should be conducted by a single body, as a bank of issue, or by the competition of different banks. It appears to me, on looking at this question, that there are advantages undoubtedly in both systems, but that those of the former preponderate. It must be the interest of banks, assuming that they are in a state of solvency, to issue as much of their own paper as it is in their power to convert into money, when called on to do so; and it will be said that, in doing so, they will check one another in the amount of their issue. It may be perfectly clear, that no one among a number of rival banks would, on this account, be able to issue more than its due proportion. But if there should be a state of things in which speculations have become most extensive, it will be the interest, and it will be in the power of these banks, to increase the amount of paper in circulation considerably, although each may not issue more than its own proportion of the whole amount. And when, in consequence of the increase of the circulating medium, and the depreciation of the currency, and a failure of credit, and of the Exchanges turning against this country, each of these banks, looking only to its own interest as compared with that of others, shall feel it necessary to contract its issues, this must produce a sudden contraction in like manner, in the general circulation and general business of the country. That is a most important point, and requires to be most carefully considered. It appears to me that there would be considerably more danger from the effect of such a competition, than there would from the power being placed in the hands of a well-regulated municipal bank. There is one other point in favour of the large municipal bank, and that is, that in times of sudden distress, it will be able to give considerable assistance to commerce. It is perfectly well known, that at such a moment the exchange is in favour of this country. It is not then the object of the municipal bank to increase the issue at such a time; but if there were several banks in competition with each other, no one among them could, under such circumstances, come forward to give its assistance to trade, in consequence of the fear that each would entertain of the competition of its rivals. All that I have said necessarily assumes that the principles upon which a single bank is conducted are sound—that the single bank does not take advantage of the power placed in its hands, in order to make undue profits—that it acts upon the true principles of banking, looking to the state of the foreign exchanges for the regulation of its issues, and does not keep up the circulation of its notes by artificial means, but accommodates it to the state of the currency of the country. Its interest, undoubtedly, like that of any other party, is to keep as large an amount of notes in circulation as possible; and I therefore feel, that it is placing a power in the hands of a body of individuals, who certainly, under certain circumstances, have an interest in abusing it; it is certainly placing in the hands of one set of individuals a very great power; but I do not put forward either of these two propositions — the competition of different banks, or the existence of only a single bank—as entirely free from objection. We are bound to look to a comparison of objections on the one side, and of advantages on the other, and to form a judgment from that comparison. My opinion is, that if you can contrive an adequate check upon the conduct of a single bank, it will be more advantageous that such single bank should manage the circulation of the country, than that it should be left to the competition of different and rival establishments. Various modes of effecting this check and control upon the conduct of the bank have been taken into consideration. I have spoken hitherto generally of one bank of issue; I have not stated whether it should be a commercial body, or one under the direct control of Government. It is certainly a question of great importance whether it is desirable to trust such a power in the hands of persons not legally responsible, or in the hands of a Government which is responsible; and another point is, whether the profits necessarily to be derived should belong to the Government, or be allowed to the Company, The advantages, and the only advantages, I have been able to discover in a Government Bank, instead of a private Company, are the responsibility of the managers and the profit to be derived from the undertaking; but, it seems to me, that they are much more than counterbalanced by the practical evils of such a system. I think the effect of having the Government the great bankers of the State, having the command of the circulating medium in their hands, might be most mischievous. In the first place, I refer to the temptation of the Government to abuse its power, and to the impossibility, or to the extreme impolicy in that case, of permitting any assistance to be given to the commercial interests of the country in periods of difficulty—a course hitherto frequently pursued by the Bank of England. If once Government were at liberty to assist those whom they thought fit in times of difficulty and distress, it appears to me, that it would be such an enormous power in the hands of the Minister of the day as would be almost destructive of the Constitution. On the other hand, if such a bank as I have spoken of were to be tied down to any fixed and strict rules, from which at no time it was to be permitted to depart, though you might avoid one evil, you would fall into another. It would be almost impossible to establish any precise rules, and when established, they might interfere with the grant of assistance at a time when it was most needed. Therefore, I apprehend, that we should throw aside any question whether it is fit to establish a Government bank for the management of the paper circulation of the country. Then another point has been much urged upon some occasions—that although a private company, or a mercantile corporation, ought to have the management of the circulation of the country, yet that Government ought to have a direct control over its affairs. I do not myself think, that this control would be very effectual, and to a certain extent it would be liable to the objection already stated; but I do not know what great objection there would be to adding to the practical experience of the Directors the opinion of the Minister of the day. I must say, that if we look to past experience—to the cases in which the Directors of the Bank of England have been supposed to have mismanaged their own property—if we look to the years 1797, 1822, and 1825 (without now meaning to give any opinion whether the Directors on those occasions were right or wrong), we shall see, though their conduct has been liable at those three periods to suspicion of mismanagement, yet no man, I believe, is prepared to say, that the Government was not entirely cognizant of the conduct of the Bank on those occasions, and indeed, that it was not quite as much to blame as the Bank. Therefore I do not think, that establishing a Government control would be of any very great advantage; it might be of some advantage, but not to such a degree as, in my opinion, to make it desirable. The only remaining check (and I admit it not to be a perfect one), to which the attention of the public has been directed — the only check which, during the whole inquiry of the Committee last year, was stated as at all likely to be efficient, is the publication of the accounts of the Bank. I think that this, although, as I have said, not a perfect check, would be adequate to the purpose. The principle on which the Bank of England has managed its concerns during the five or six last years, has been fairly given to the public; the ground on which the Directors adopted that mode of management have been approved, and I believe may be justified on principle. Having decided that a proper proportion of bullion to be kept in its coffers was one-third of its liabilities, the great and main principle of the Directors has been to allow the public to act upon the currency of the country—not to force out any circulation by artificial means—but to allow the trade in bullion, which may take place by reason of the foreign exchanges being adverse, to act upon the circulating medium—contracting it as the bullion is withdrawn, and increasing it as the bullion returns. This is the principle on which the Bank has professed to act: and it seems to me the best possible principle, because it prevents sudden changes, and allows those circumstances that cannot be avoided to act gradually and naturally on the circulation. We have also experience of what has been the effect of this mode of management on the part of the Bank during a period of considerable difficulty. The House is aware, I believe—at least all who have attended to the subject are aware—that the exchanges were against this country from August, 1830, to February, or to the beginning of the year 1832. During all that time there was a constant drain on the circulation—a constant contraction, amounting to nearly 7,000,000*l.* sterling. I do not mean to say, that during this period there was not considerable pressure upon and distress among different classes, produced, no doubt, by the contraction of the circulation; but there was no general convulsion; and allowing the drain of gold to act gradually on the currency, the consequence was, that after a long trial, the Exchanges turned in our favour, and since the spring of 1832 they have been continually in our favour, increasing the circulation of the country and the amount of bullion in the Bank. It, therefore, appears to me, that this system is not only capable of being defended by reasoning, but that it is justified by experience, as far as experience can be applied to it. Publicity of accounts will enable all men to judge whether the Bank continues to act upon this wholesome principle or varies from it. It may be said, that the Bank Directors are not legally responsible for their conduct, and that they cannot be punished if they depart from their former practice. This is true, but we must admit, that there is a responsibility to public opinion, and that it will have its control upon men in every situation. I feel confident, that persons standing so prominent as the Bank Directors will be as completely controlled by public opinion as if they were acting under a legal responsibility. Therefore I am prepared to propose the continuation of a single bank of issue in the metropolis, subject to the control of publicity. I should hold this the wiser course, even if we were now, for the first time, instituting the system; but it is an additional, and as I take it, no mean advantage, that it is the least change that can be adopted. Unless we can distinctly see some paramount advantage in making a great change in the monetary system, nothing can be more foolish than to try the experiment. Therefore, my proposition is, that the Bank of England shall continue to have the monopoly of the circulation, and that that monopoly should be secured to the Bank by the same means as have hitherto existed—that is to say, not to allow any bank with more than six partners to issue paper within sixty-five miles of London. As to the precise distance I do not lay any great stress upon that—I believe that, were it much smaller, it would effect the object equally well: either way I do not think the public materially interested, but as in my communications with the Bank Directors, I found their wish strongly expressed in favour of sixty-five miles, I did not oppose it. The next point to which I shall call the attention of the Committee is the duration of the new Charter to be granted to the Bank. I certainly must feel, that it is not desirable to tie up the Government for too long a period, while, on the other hand, it is most expedient not to let the question float at large unnecessarily. I propose, therefore, that the usual Charter shall be continued to the Bank of England for the period of twenty-one years, subject, however, to this condition —that if at the end of ten years it should seem fit to the Government, the Charter may expire at the end of one year. By this means Government will not be entirely tied up, if at the end of the first ten years it shall see reason to alter the terms or condition of the Charter, although the subject will not necessarily be brought forward at that period, or at an earlier period than twenty years. As to the next point, to which I have already alluded—the publication of the accounts of the Bank—I propose, that a weekly account of the amount of bullion and securities on the one hand, and of the paper in circulation, and deposits on the other hand, should be presented to the Treasury, and that, at the end of the quarter, the averages of the preceding quarter should be published in *The Gazette*. I do not suggest, that the publication should take place weekly for this reason—that it might lead, on many occasions, to false impressions. It may frequently occur, from circumstances not at all connected with the state of the currency, or with the State of the exchanges, that a large sum of bullion may be drawn out of the Bank at one period, which, if the account were published every week, might have an effect upon the public mind, neither just nor desirable. By taking the average of the preceding quarter, and allowing it to be published, the effect will be to prove to the public whether the Bank is continuing the system of management it ought to continue, and which experience shows will not be productive of evil consequences. I now come to a point on which I feel that there will, perhaps, be considerable difference of opinion. I have said, that it is most desirable, that no interference should take place, either by the Bank or the Government, to prevent the drain of gold from this country, should the Foreign Exchanges be against it. This, I apprehend, is necessary, in order to regulate the currency of the country; but it is not desirable, in my judgment, to give any peculiar facility or encouragement to an internal drain of bullion from the Bank. I have said, that the convertibility of bank paper into bullion is essential to the whole principle of a banking establishment; but having secured that—having secured also the publicity of the accounts of the Bank—having given every security that can be devised (and I should most readily apply any other security beyond what I have mentioned, if it could be pointed out), I do not see the danger of giving the Bank of England every power which can justly and fairly be bestowed upon it. Therefore, it is my intention to propose that the Bank of England paper should be legal tender excepting at the Bank itself, and any of its branches. Genmen may feel, that it is making an alteration tending to produce depreciation; but I cannot think, that such would be the case, when we recollect the immediate convertibility of notes into gold at the Bank and its Branches, and the present rapidity of communication between different parts of the country. If we look at the consequences of such a change in the case of a panic or run upon the different banking establishments, I think the House will admit, that the plan has considerable advantages. In ordinary times, I do not think it will have any effect either one way or the other. One objection to this alteration is, that the effect will be to deprive the country of the circulation of bullion altogether. I do not apprehend, that this can possibly take place; it is perfectly well known, that paper and bullion of the same denomination cannot circulate together, and if you are to issue notes of the value of a sovereign, there is no doubt, from experience and reasoning, that sovereigns could no longer continue to circulate; but as the notes will not be of a lower denomination than *5l.*, I do not apprehend that the effect will be to drive gold out of circulation. Another objection has been stated, which I admit is an objection—that as the effect of the measure will be to render the evil and danger of a panic, and general run on banking establishments less detrimental to the Bank of England, the Directors will become less careful in adopting their issues to their own means, and to the wants of the country. I cannot, however, believe, that this will be the case to any extent, and it certainly does not, in my mind, counterbalance the advantages of the change. The chief advantage to be derived from it is, in the first place, that the Bank will be secure against any other drain upon it but that which is produced by the state of the Foreign Exchanges. The private banking establishments of the country will not be under the necessity, at a period when they expect a run upon them, to draw bullion from the Bank. When a country bank expects a run upon it, it provides itself with all the means of meeting that run which its resources can furnish; therefore, country bankers now call upon the Bank of England, not merely for the amount of bullion absolutely necessary, but for a much larger sum to meet the whole extent of their engagements. The effect therefore is, when a run takes place upon the country banks, there is through them a run upon the Bank of England; because they call upon it, not merely for the amount of bullion which is absolutely necessary to meet the run made upon them, but in order to guard themselves to a much larger amount. If the country banks were not required to make such drains,—as they will not be under the plan which I propose,—the Bank of England will be secured against these sudden internal drains, while the country banks will be themselves greatly benefited. I think, therefore, that these are very strong arguments in favour of the proposition which I submit in this respect. The next alteration I propose to make applies not merely to the Bank of England, but to all other banking establishments, and generally to the commerce of the country. It is most desirable that when the Bank of England wishes to diminish the amount of its notes in circulation, it should be able to effect that object. At the present moment they have the means of doing so; they can raise the interest at which they will discount; but the time is not long past when the interest of money being higher than the legal rate, the Bank had no means of checking the amount of its issues, but by refusing to discount. I intend to suggest to the Committee an alteration to a certain extent of the provisions of the Usury-laws. I propose that all bills not having more than three months to run should be exempted from the provisions of the Usury-laws. Hon. Gentlemen who have been long Members of the House, know that I have entertained no great partiality for the Usury-laws. For many years I supported an hon. and learned Member, not now in the House, in the various Motions which he made for the entire repeal of those laws. I am aware, however, that there are strong objections, and some of them may be reasonably urged, against the total repeal; but I do not think that the class of persons generally most inclined to make the greatest objections to the abrogation of the Usury-laws need object to the change suggested, relating, as it does, to bills only for short dates. I know that the provision may be open to evasion, but now abundant means of evading the Usury-laws exist, and the addition of one more opportunity is perhaps of little consequence. That portion of the capital of the country usually lent upon mortgage is not likely to be employed in the discounting of bills. At the present moment it can have no possible effect, the interest of money being scarcely half the legal rate; but the period when it is desirable that the Bank should have the power of checking its circulation is just the period when the interest of money is rising and when the Usury-laws come into operation and have a pernicious effect on trade. It is hardly necessary for me to state, that this alteration will be advantageous not merely to bankers, but to the commercial world in general. No one can doubt that the effect of bills which cannot be discounted, excepting at a certain rate of interest, does frequently very prejudicially interfere with the commercial interests of the country. Having stated these points I come now to that part of the subject which applies to the actual bargain with the Bank. At present the debt due from the public to the Bank amounts to 14,600,000*l.*, or rather more. I think it must be evident to any person who considers the subject, that it is not at all necessary that so large an amount of capital should be locked up for the security of the Bank. The fact is, that the capital has accumulated not so much to give security to the Bank, as by advances made at different periods by the Bank to Government, on the renewal of the Charter, and for the concession of other privileges. It was originally never contemplated that so large an amount was essential to be deposited as a security, and I should certainly feel very little apprehension from a considerable reduction. But we must not fail to consider that though not calculated for that object, credit is a thing of such a nice nature—so susceptible—that it would be most imprudent in an arrangement of the kind to do anything which might even be suspected of affecting the credit of the Bank of England. I, therefore, do not propose to reduce the amount to any considerable extent, but the House will not fail to recollect that such an amount of capital being tied up makes the expense of management much greater than it would otherwise be. The Directors of the Bank state, though I am not inclined to go to that extent, that their loss in this respect amounts to one per cent. They undoubtedly lose something, and the consequence is, that they put this as part of the charge against the public, which the public is obliged to pay. Another point which ought to be taken into consideration is this:—That if at a future period, when the present arrangement expires, the interest of money should be high, the Bank would possess a powerful control over any new arrangement. Although at this moment part of the debt may be paid off without much inconvenience, the inconvenience might be great when the rate of interest is high. I propose to reduce twenty-five per cent. of the capital, leaving somewhat under 11,000,000*l.*, as the debt due from the public to the Bank. I am certain no man will say that such an amount of capital, in addition to the other funds of the Bank, amounting to about 3,000,000*l.* will not be a perfect security for the solvency of the establishment. As I have no doubt that the plan I have detailed will be very considerably advantageous to the Bank Proprietors, I have felt that I had a right to call upon them to pay some equivalent for the proposed advantages. I, perhaps, may previously have asked them a larger sum than they thought I had any title to demand; but I have now to state that the Directors of the Bank have consented to what I consider a beneficial bargain for the public. They are prepared to give 120,000*l.* a-year, to be deducted from the amount paid to the Bank for the management of the debt, which I think a considerable sum, though some Gentlemen may perhaps think that we ought to obtain more. On former occasions, the Bank has paid for the renewal of the Charter, by lending money at a lower rate of interest than that given by the public—at one time at three per cent. when the general interest of money was five per cent. There were two modes of proceeding which I might have adopted. I might either have insisted upon a fixed share of the profits of the Bank, the amount of course varying from year to year, or I might have adopted the plan I have just presented to the House. I thought, taking into consideration the circumstances of the two parties, that it would be much better for the country to receive a stipulated sum than a speculative advantage. Spread over the whole length of time the Charter is to continue, the total sum saved to the public will somewhat exceed 2,500,000*l.* which is a larger amount than the Bank has paid on any former occasion for the renewal of the Charter. I know that this subject cannot be generally interesting, and I endeavour to state as briefly as I can, the principles I propose that the House should sanction. I now come to another part of the subject —namely, that which relates to the other banking business of the country. I suggest that the definition of a Joint Stock Company should remain as at present; every Banking Company, consisting of more than six partners, is to be taken to be a Joint Stock Company; and for reasons I will now state, I propose that all Joint Stock Companies shall, in future be established by Charter. By this regulation I do not wish, in the least degree, to interfere with the establishment of Joint Stock Companies, but, in order that those establishments should be properly regulated, I think it desirable that the conditions should be fixed by Charter. I do not, of course, apply this provision to Joint Stock Companies already existing: I would give them a certain period to decide whether they will or will not apply for a Charter; nor is it my intention to impose any conditions, by Charter, other than those which shall be beneficial to the establishments themselves. There can be no worse policy than to pursue a contrary system. I should state that the House must recollect that there are two classes of Joint Stock Companies, one issuing their own notes, and the other trading only with the notes of the Bank of England. I propose that no joint stock bank of issue shall be established within a less distance than sixty-five miles from the metropolis. At present country banks are prevented from drawing bills upon London, and issuing notes payable in London for a less amount than *50l.* These restrictions I propose to remove. The only object I have in view is to prevent competition with the Bank of England; and as I am satisfied that they never can enter into competition, I have no objection to repeal these restrictions. I propose, however, to give the Crown a right to refuse the grant of such Charters, and it is by no means desirable that such a Charter should be granted as a matter of course. Joint Stock Banks issuing the paper of the Bank of England may be established of course within a shorter distance of the metropolis. I propose that a Charter shall be given to these companies under certain conditions. The first of these conditions will be, that in the case of a Joint Stock Bank of issue, half of the subscribed capital shall be paid up and the amount deposited in Government securities. I further propose that the partners in a Joint Stock Bank of issue shall be liable to an unlimited extent: and that the Corporation of the Bank of England as such shall not hold any shares, so that the public may not be deceived as to who are the partners. I will suggest also that the accounts of these banks should be periodically published. In the case of Joint Stock Banking Companies not issuing their own notes, I propose that one-fourth of their subscribed capital should be paid up, and vested in securities and that the shares in such banks shall not be less than *100l.* each, and that the partners shall be liable or responsible only to the amount of their shares. It will be seen by this latter proposition that I give an advantage to the banks not of issue over those which are of issue, and this I think highly necessary. In a case where a charter is to be granted, it must be left to the discretion of the Government to decide whether the amount of capital subscribed is sufficient for the locality in which the bank in question is situated. The amount of capital which would be sufficient in an agricultural district, it is obvious, would not be sufficient in a great manufacturing district, and consequently it must be left at the discretion of the Government to determine whether the amount subscribed is sufficient, and whether the charter asked for shall be granted. He hoped, however, that every proper facility would be given to the establishment of such banks. I do not intend, with respect to private banks, as contradistinguished from joint-stock banking companies, to interfere in any way in the management of their concerns. It appears to me indeed very desirable, that by some means or other a better mode for estimating the circulation of the country banks should be established than exists at present. It is essential to the good management of those banks, on which the whole circulation of the country depends, that the amount of their notes in circulation should be accurately known. It is, for this purpose, and with a view to effect this object, that I propose that those country banks, instead of making a composition for the Stamp-duty payable on the gross amount of their notes issued, shall be compelled to pay *7s.* per cent Stamp-duty upon the notes which they issue. It is desirable, that the country should know at all times the exact amount of country bankers' notes in circulation; and no real or substantial evil can happen in the case of any country banker from such an arrangement; and, further, I am of opinion, that it is desirable to know, not only the amount of each country banker's paper in circulation, but also the amount of his general assets to meet the demands upon him. I do not by any means desire to expose the affairs of individual bankers, for though I think it desirable to make the affairs of joint-stock banks known to the public, I do not consider it expedient to extend the principle to the case of private individuals keeping banks, who, with every certainty of ultimate solvency, might, nevertheless, be ruined by an exposure of their affairs under certain peculiar circumstances. I propose, however, that a statement of the accounts of each individual bank shall be sent up to London as a strictly confidential paper, which shall not be published in a separate form; but, the accounts being added together, the total result shall be given to the public periodically. These are the grounds of the propositions which I feel it my duty to submit to the Committee on this important subject. I will further observe, that the country banker may state the whole of his available assets. [Sir *Robert Peel* asked whether the statement included landed property?] Landed estates, although not immediately convertible, tend certainly to the security and ultimate solvency of the banker, and on that ground it may be matter for consideration whether the description of property referred to shall not be included in the account. These are the propositions which I have now to submit to the Committee. In the Resolutions which I shall lay on the Table, I have not thought it necessary to enter into details of various topics, many of which are likely to come under discussion and excite considerable difference of opinion; and I have confined myself to specific Resolutions, leaving the necessary details for a future opportunity. The tendency of my propositions is certainly to extend the issue of Bank of England paper. Undoubtedly, the principle which I stated at the beginning would, if followed out, lead to establishing only one bank of issue in the country; but whatever may be the opinion of any man on this subject in the abstract, I feel certain that in the existing circumstances and state of the country it would be insanity to attempt to enforce such a system. I am ready to admit, that it would be a safer and more secure principle (if a banking system were now for the first time to be established), to have only one bank of issue; but in the present state of things that is impracticable, and the utmost extent to which any prudent man ought to go consists in encouraging the establishment of banks which shall not issue their own paper but that of the Bank of England. I have now stated all which I think necessary to trouble the House with. I informed the House last night that it is not my intention to ask for a vote on any of the Resolutions on the present occasion; I shall, therefore, content myself with placing them in the hands of the Chairman. The Resolutions were then read, as follows: —

1.—" That it is the opinion of this Committee, that it is expedient to continue for a limited period to the Bank of England, certain of the privileges now vested by law in that corporation, subject to such conditions as may be provided by any Act to be passed for that purpose.

2.—" That it is the opinion of this Committee, that provided the Bank of England shall be bound by law to discharge in the legal coin of the realm all such of its debts and liabilities as shall be demanded at the Bank of England, or at any of the branch banks thereof, it is expedient that the promissory notes of the said corporation be made a legal tender for all sums of *5l.* and upwards.

3.—" That it is the opinion of this Committee, that provision be made by law during the present Session of Parliament, for the repayment to the Bank of England of one-fourth part of the amount of the debt now due by the public to that corporation.

4.—" That it is the opinion of this Committee, that the rate of allowance and remuneration now secured by law to the Bank of England for the management of the public debt, and services rendered to the public, be continued to that corporation for the limited period to be affixed as aforesaid, subject to an annual reduction of 120,000*l.*

5.—" That it is the opinion of this Committee, that the laws restricting the interest of money to *5l.* per cent shall be repealed, so far as they relate to bills of exchange not having more than three months to run before they become due.

6.—"That it is the opinion of this Committee, that it is expedient to give facilities by the grant of royal charters for the establishment of joint-stock banks, at a certain distance from London; but that every such royal charter shall contain certain stipulations to be enforced with respect to all such chartered banks.

7.—"That it is the opinion of this Committee, that all banks issuing promissory notes payable on demand, shall enter into a composition in lieu of Stamp-duty, at the rate of 7*s.* for every 100*l.* on the notes which such bank shall have in circulation.

8.—"That it is the opinion of this Committee, that it is expedient to make provision with regard to joint-stock banking companies."

Mr. *Baring* said, that he fully concurred in the propriety of the course taken by the noble Lord in not calling for an immediate vote on his Resolutions, which it would be absurd to discuss without an opportunity of first hearing what the country at large thought of the plan. The late period of the Session presented an obstacle to going into so important a question with a view to its decision. The subject opened a wide field for discussion—Parliament being called on to consider, not only the nature of the bargain made with the Bank, but the whole question of the circulation. He should not attempt to follow the noble Lord in any connected series of remarks, but would content himself with throwing out such casual observations as occurred to him at the moment. The country bankers would be greatly deceived if they did not see in the noble Lord's Resolutions an attempt to get rid of their paper to a considerable extent, and substitute for it Bank of England notes. Whether that was a judicious plan or not, he did not pretend to say. However, that the principle had been favourably received by a number of country banks was clear from their present practice. Though the noble Lord deprecated the use of force towards the country bankers, he suspected that the noble Lord would not be unwilling to accelerate and extend Bank of England issues by a gentle shove, or a species of Quaker propulsion, which would effect the object the noble Lord had in view, and drive country bank paper out of circulation. He could not help again regretting that the Government, after keeping Parliament assembled for months without any effective legislation, except in the department of coercion, should now, at the extreme end of the Session, bring forward this important question, when there was not sufficient time for considering it in all its multifarious bearings. The noble Lord's Resolutions were of two kinds—the first regulated the banking system of the country; the other embodied the result of the Government bargain with the Bank of England. He admitted that the first duty of the Government was to put the general banking system of the country on a good footing, without reference to the advantages that might be conferred on the Bank of England thereby; but Ministers were, in the next place, bound to examine the nature of those advantages, if any, and demand, on the part of the public, a reasonable compensation from the Bank in respect of them. If, by extending the circulation of Bank of England paper, the noble Lord threw a considerable advantage into the hands of the Bank, it was only fair to expect a reasonable compensation for it. But the subject would be put in a clearer light by the correspondence and negotiations between the Bank Directors and the Government, to the production of which he took it for granted the noble Lord would have no objection. [Lord *Althorp* said, he had no objection to produce all written communications on the subject, but a great deal of the negotiations were verbal]. He should certainly wait for that correspondence, before finally making up his opinion. He certainly was not one of those who thought it advisable to make a very sharp bargain with the Bank, lest the Bank might have been driven to use all the artifices within their power to maintain their credit as a body, and the public would certainly have suffered in the end. He was glad, therefore, the Bank appeared satisfied; because, although an attempt towards driving a hard bargain was evident, still, at the first blush of the present proposition for a renewal of the Charter, he must confess he was disposed to believe that the Directors had had the best of the bargain. This might not appear when the correspondence was before the House, but at present he certainly thought that the noble Lord had not made a very advantageous bargain for the public. With respect to the details of the plan, he saw no objection whatever to pay off one quarter of the debt due by the public to the Bank of England, but with respect to the reduction of the sum paid to the Bank for the management of the National Debt, he must confess he did not clearly comprehend why that arrangement was made. The sum now annually paid to the Bank for this service was 248,000*l.*, of which 120,000*l.* was in future to be annually deducted. Now the noble Lord did not state whether the charge for managing the public debt was so unreasonably large as to be fairly subject to this reduction, or whether this 120,000*l.*, was to be looked upon as a compensation to the public for the grant of a fresh Charter. The late Mr. Pascoe Grenfell had, when in that House, made this annual charge the subject of a Sessional Motion, with a view to its reduction, and he (Mr. A. Baring) had always opposed this Motion, upon the principle that the sum paid was made a matter of bargain. When the Charter was renewed, it was unfair to depart from the terms of a bargain once made. He, therefore, took it for granted that the noble Lord did not look upon the 248,000*l.* as too large a sum paid for this service; and he must, therefore, consider the annual reduction in the light of a compensation for the renewal of the Charter; and then came the question of comparison between the compensation now paid by the Bank, and that which was paid at the time of the last renewal of the Bank Charter. The compensation then made by the Bank amounted to two per cent, on the whole amount of their capital of 14,600,000*l.*, or, in other words, to the difference between three and five per cent, that amount being lent to the public at three per cent at a time when the Government would have been obliged to pay five per cent in the market, and two per cent on 14,600,000*l.*, was not far short of 300,000*l.* a-year. Now, the present value of money in the market did not exceed two and a-half per cent.; three per cent was considered a large rate of interest, and yet the Bank were to be paid at the rate of three per cent for the capital lent to the public, although the noble Lord knew, that Exchequer Bills, which yielded an interest of two and a quarter, circulated at two and three per cent above par. It, therefore, seemed to him that the 120,000*l.* reduction on the annual payment to the Bank, was not tantamount to the compensation made by the Bank on the former occasion, and, in order to equalise the two, the rate of interest to be paid on the Bank capital ought to be reduced to one per cent. This was the view which he took of it at the first blush of the plan; perhaps a perusal of the correspondence might alter his views. The noble Lord had stated nothing as to the public balances in the hands of the Bank; he took it for granted that the noble Lord would hereafter give an explanation on the subject, particularly as the Government might do what it pleased with those balances in future, and invest them to the best advantage. On the subject of the Bank itself, experience had proved, that the general system of management was judicious. Besides, the Bank had so accommodated itself to the affairs of this country that no considerable alteration could be made in the system without producing the greatest inconvenience. The same system was found equally beneficial wherever it was adopted. The Bank of Hamburgh was now, he believed, the only one conducted on a different principle, and a principle which he considered a bad one. The plan of the Bank of England was adopted in all parts of America, and he did not think it admitted of any material improvement. He fully agreed with the noble Lord that there ought to be only one bank of issue in London. The other plan of having more banks of issue than one, was repudiated by every man of sense and experience, and in this the whole of the Committee concurred. The competition where there were more banks of issue than one, must produce a jarring which would prevent any bank from acting without previous inquiry into the proceedings of the other, without seeing what their rival was about, and thus could not fail to lead to great inconvenience and embarrassment. The next point to which the noble Lord adverted, was the limitation of distance within which other banks might be established with more than a certain number of partners; and he thought the noble Lord right in his limitation. There was no very considerable town nearer to London than sixty-five miles, and no benefit could therefore arise from bringing the privilege nearer to the metropolis. Now one word as to chartered banks. His opinion was, that this country had never yet sufficient experience of the principle to judge fairly of it. It was Mr.

Huskisson's intention to have inquired fully into it had he lived. It was his (Mr. Baring's) opinion that it prevented capital from being employed in the business of banking by every proprietor being rendered liable to the full amount of his property. He approved of the French principle, always, however, taking care that the capital was really advanced, and not subsequently taken out. The Board of Trade could not employ itself better than in entering upon a careful revision of this important subject. The noble Lord said, that banks of issue would be unlimited in responsibility, but banks not of issue limited. He did not see upon what grounds the distinction was made. The noble Lord said, the present limitation which prevented country bankers from drawing bills on London for less than *50l.* was to be removed, and that they might in future draw to any other smaller amount. If they might draw bills on London of *10l.* or of *5l.*, it would be the same in effect as allowing them to issue their own paper. There must be some limitation to such a power. However, he should not at present venture to offer any opinion upon this part of the subject. As he said before, however, he did not wish to give any opinion just now upon the general question as regarded country banking. He unfeignedly wished, that they should have, in the first instance, the opinions of persons connected with the country circulation on the subject. Indeed, he thought that the discussion should be delayed until they had the opinions of those individuals on the subject. The noble Lord said, that all country banks should be obliged to pay *7s.* per cent Stamp-duty upon the amount of their issues in circulation, and that with a view to ascertain the amount in circulation. Now, he should like to know how the noble Lord would ascertain the amount of such issues in circulation. Was he to take the account from the bankers themselves? The fact was, that this criterion of the amount of their issues would be anything but a true criterion. It would no more afford a true criterion of the amount of notes in circulation, than a Property-tax would afford a criterion of the real amount of any individual's property. For his part he could not understand the means which the noble Lord would have of ascertaining the real amount of the issues of those banks in circulation. There was one point in the noble Lord's arrangement to which he had personally a great objection, and an objection that was founded upon personal experience, not only in this country, but in other parts of the world. He was aware that it was an objection, which in the present temper of the times, and of that House, was likely to meet with little favour there. It was an objection to the publicity of the Bank accounts. He was quite sure that in times of difficulty the means of the Bank would be limited, and its operations would be cramped, by its being under the necessity of making an appearance to the country for the purpose of masking its operations. He was aware that the opinions given before the Committee were various upon that point. It appeared to him that it would be important for the House to know what the Bank as a body thought upon the subject. He (Mr. Baring) was of opinion that the publicity of the accounts of the Bank would, in times of difficulty, materially cramp its operations, and further, that it would sometimes create an alarm amongst the public where there were no real grounds for alarm. It was perfectly well known, that the Bank at times, like many persons engaged in large general business, would perceive a great disproportion between its issues and the means in its hands; but it would, at the same time, know, that by circumstances which were not explicable by figures, sometimes the next week, or the next month, all things would be set to rights, and the due proportion brought about again. The publicity of the accounts of the Bank in such periods, and under such circumstances, would occasion an alarm amongst the public at appearances which, properly understood, would afford no grounds for alarm at all. It should not be forgotten that, every difficulty and every restriction put upon the Bank, produced corresponding difficulties and restrictions upon the intercourse of the Bank with the world at large. Gentlemen should not imagine that in imposing restrictions upon the Bank, they were imposing them upon the Bank merely; they should recollect, that by the imposition of such restrictions, they were making it less useful for the purposes for which it was established and intended. He would refer for an illustration to the last period of difficulty since our return to cash payments—to the year 1825. In fair weather every bark might go to sea, and there was then little or no necessity for inquiring into its seaworthiness; but it was obvious that there must be in this country a description of vessel that would weather a storm like the only one that we had experienced since the return to cash payments—namely, the storm of 1825. Now of this he was quite certain, that if a necessary publicity of its accounts had been established at that period, the Bank would have stopped payment over and over again. He forgot to what amount its resources in specie were then reduced—he believed that it was to an extremely and almost incredibly low amount. The Bank knowing that all would be set to rights went on confidently, and things did eventually come about, but such would not have been the case if the public, at the time, had been let into its secrets. In point of fact, there was no inconvenience experienced from the present state of things as regarded the Bank in this respect; on the contrary, at the period to which he referred, in 1825 the power of secrecy on the part of the Bank was the safety and the security of the Bank. He was aware that such a state of publicity existed in other countries: but it did not exist there, at least in France, without the disadvantages which he had mentioned attending it. Undoubtedly, the noble Lord, by proposing that the publication of the accounts of the Bank be made every three months, instead of weekly, so far diminished the danger that was likely to be produced by such an arrangement. He would suggest this change in that part of the noble Lord's arrangement—namely, that the averages to be published at the end of the quarter should not be averages made up to that time, but to the middle of the quarter, for if they should be made up just before the payment of the dividends, they would exhibit a small amount of notes in circulation; and if made up just after the payment of the dividends, they would exhibit a large amount of notes in circulation. He therefore thought that by taking the averages up to the six weeks previous to the end of the quarter, they would have a greater chance of having a fair and correct return on the subject. To the making the paper of the Bank of England a legal tender he had no objection; on the contrary, he thought that the doing so would be productive of great benefit to the country. He thought that the noble Lord's second Resolution might be more judiciously worded, so as to afford greater security to the public. He would suggest that that Resolution should be altered to this effect—that so long as the Bank of England continued to discharge all its legal debts and responsibilities, its paper should be a legal tender in the country. It was not sufficient to say that so long as the Bank was bound by law to discharge its liabilities its paper should be a legal tender; it was more safe, as far as the public was concerned, to say that so long as it continued to discharge those liabilities, and no longer, its paper should be a legal tender. He had considerable doubts as to whether we should not limit the payment in specie on the part of the Bank to London alone. He, for one, was inclined to limit it to the Bank in London alone. The doing so would facilitate the issue of paper; and he thought that one place for payment in specie would afford sufficient security to the public. The late Mr. Ricardo's plan was, that there should be only one place—namely, London, and that payment in specie should be made only for every 100*l.*; and, undoubtedly, if his plan of paying in ingots were adopted, there still would be ample security for the public. He wished to know whether the noble Lord intended that the branch banks should be liable to pay in specie only for the amount of notes issued from them respectively, or whether they were to be called upon to pay for the whole amount issued by the Bank itself. He supposed that the noble Lord only intended, that those branch banks should be liable to pay in specie for the amount of paper issued by themselves. It was proposed by the noble Lord, that at the end of ten years the Government should have the power of giving notice to the Bank that its charter was to expire. Was that power to be reciprocal on the part of the Bank as well as on the part of the Government? The noble Lord proposed that, the Government should have the power of putting an end to the charter. Was the Bank, on the other hand, to have a similar power? There was a variety of points connected with this important subject, which would require much time for their consideration; and yet, it would be hard to call upon the noble Lord to give proper time for their discussion; for that would, in point of fact, be calling upon the House to sit there till Christmas next. It was greatly to be regretted, that their time should have been wasted upon measures of much less consequence, so that when a great measure like the present was brought forward, it must be disposed of in a hurry, as it was physically impossible for hon. Members to continue to sit for the period required for its due consideration and discussion. It was, however, of great importance that with respect to that part of the noble Lord's plan which regarded the internal circulation of the country, and the country banks, some time should be given to the persons connected with that circulation to pronounce their opinion upon it. Without entering generally into the question, he could not refrain from offering the observations which he had now addressed to the House.

Mr. *Grote* said, that as far as he could understand and follow the points of the noble Lord's plan, he was not disposed to quarrel with the principle of it, but there was one point upon which he thought that the noble Lord deviated from the principles which he laid down in the commencement of his statement—he alluded to the publicity of the issues of the Bank of England. He concurred in every word that had fallen from the noble Lord as to the extreme importance of the publicity of the Bank issues, as the best guarantee to the public for the sound management of that body. It was not that he had any reason to find fault with its management hitherto, but he saw clearly that there was no security to the public for the sound management by the Bank of the circulation of the country, and more especially for its adhering to one uniform principle, except in the publicity of its accounts. The noble Lord had laid down that principle in the most emphatic manner at the commencement of his statement, but when he came to see the mode in which the noble Lord proposed to effect that publicity, and the extent to which the noble Lord would carry it, he owned that he felt deeply and grievously disappointed. The publication of the accounts of the Bank for a quarter at the end of the quarter was not calculated to give the public a proper insight into the management of the Bank, or to operate as a check upon the Bank itself. If, however, the series of weekly averages, which were to be made up during the quarter, and which, according to the noble Lord's plan, were to be laid before the Government, but not before the public—if that series of weekly averages, and the amount of issues in each week during the quarter, were to be made public at the end of it, the public would get a better insight into the management of the Bank, and he thought that such publication was necessary in order to enable the public to understand accurately whether the Bank Directors were right or not in their view of the results, and to ascertain whether the variations that occurred could be fairly and satisfactorily accounted for. He was of opinion, that it would be an improvement in the noble Lord's plan to postpone the publication of the accounts from three months to six months, if at the end of that time the whole series of weekly averages during the time should be given. No benefit, he conceived, would be derived from the publication as proposed by the noble Lord. He would not then enter into the other details of the plan; he would content himself simply with stating, that he saw no material objection to the plan as a whole, and there was one part of it, that which went to make the notes of the Bank of England a legal tender, which was of essential importance to the country.

Mr. *John Smith* said, that it would be seen from the evidence given before the Bank Committee, that the Bank never was afraid of any run upon it occasioned by an unfavourable state of the exchanges, as it was well known to the Directors that that would in time right itself. In the year 1825, as his hon. friend the member for Essex was aware, the Bank of England, to its highest honour, came forward and lent its notes to the country bankers. During the run that then took place those very notes were frequently, in the course of half-an-hour after their being thus advanced, brought back to the Bank to be exchanged for specie. If the Bank of England had only to meet its own engagements, then it would have had no difficulty in doing so. The noble Lord now proposed to make Bank of England notes a legal tender, which would prevent, in case of a run hereafter on country banks, such a run on the Bank of England for specie, a matter of the highest importance to the tranquillity of the country, and a measure that would in all human probability, prevent the occurrence of great distress. He thought that the Bank of England had a right to be paid, and well paid, for its management of the Public Debt. The noble Lord's plan, as far as it regarded country banks, was one of considerable complexity, and with respect to it he would not at present give an opinion. He could not agree with the hon. member for Essex in thinking that the plan of the noble Lord would go to destroy the smaller banks of issue in the country parts of England. He was sure that under this plan they would continue to flourish, and he certainly thought that their continuance would be of infinite use to the commerce of the country. He was of opinion, that on the whole the noble Lord had shown great judgment and good sense in the plan which he had brought forward. He thought the proposition of the noble Lord quite clear, and one that could not effect any injury to the Bank establishment. When the papers and other documents were printed and distributed, he did not doubt but the proposition would give general satisfaction.

Mr. *O'Connell* hoped he might be permitted to put a question to the noble Lord upon a point which much interested a great portion of his constituents as well as Ireland generally. It was not his intention at this stage to enter into the general principles of the proposition; he was only anxious to obtain some information. The plan of the noble Lord made Bank of England notes a legal tender, and he should be glad to learn from the noble Lord if it was his intention to extend that principle to Ireland. He understood the noble Lord to intimate, that he did not contemplate any such extension, and he therefore must inquire whether, as the notes of the Bank of Ireland were not now a legal tender, the principles of the present proposition were in that respect to be extended to Ireland. His third inquiry was, whether it was the intention of the noble Lord to bring the consideration of the Bank of Ireland Charter this year before Parliament.

Lord *Althorp* said, that the propositions which he had submitted to the House were intended merely to apply to England and Wales, and did not extend either to Scotland or Ireland. With regard to the question put by the hon. and learned member for Dublin, with reference to the consideration of the Charter of the Bank of Ireland, he could only say that Charter did not expire until the year 1837, when by Government paying off the Debt due to that body, and giving proper notice, the subject might be brought under the consideration of Parliament.

Mr. *O'Connell* begged to remind the noble Lord, that he had not answered his inquiry as to whether it was contemplated to make Bank of Ireland notes a legal tender in Ireland.

Lord *Althorp* replied, that it was not contemplated to interfere at present with the Charter of the Bank of Ireland.

Mr. *Hume* regretted, that he felt called upon to differ from the sentiments which had been expressed by several hon. Gentlemen on this subject. He felt no hesitation in saying that to the negligence of the Bank of England was to be attributed the lamentable events resulting from the panic of 1826. At all events, he thought that those results would not have been so lamentable if proper diligence had been used. Experience had proved, certainly, that the Bank of England gave relief, but he was far from thinking, that no relief would on that occasion have been afforded but for the Bank of England; on the contrary, he was firmly of opinion that but for the mismanaged monopoly, the lamentable and eventful circumstances to which he had alluded would never have occurred, nor the severe losses then suffered have been sustained. He therefore could not but regret, that the public were again to be subjected to an extension of that monopoly for ten or eleven years longer, and he still more regretted this, because the public were not to be benefited by the renewal of the monopoly. He was aware that many hon. Gentlemen entertained an opinion that a Government bank ought not to be established, but he was of opinion that no body of individuals could manage such an establishment like the state itself, and that Government banks might be established with as able men to conduct them as at present, and with as little trouble to the Minister for the time being, as was at present experienced, and most unquestionably at a much less expense to the nation than by the monopoly and management of the Bank of England. He complained that the people were to be deprived, for a continuance, by the Bank of England of between 600,000*l.* and 700,000*l.* per annum; and he strongly objected to the enjoyment by any individual bank of a monopoly extending sixty-five miles round the metropolis. This appeared to him to be a departure from all the principles to the full extent of which the noble Lord had stated himself ready to go in order to free the country from such monopolies; and he was sorry to find the noble Lord had been led to acquiesce in their continuance. With reference to the bargain which had been spoken of, it seemed to him to be ridiculous that the circulation of the Bank of England paper should be forced all over the country, and that all the people should get nothing in return. True it was, that the people would have to pay for the management of the debt 120,000*l.* instead of 248,000*l.*, but that was the only advantage to the public. With reference to the proposition that Bank-notes should be a legal tender, he could only express his opinion that it would greatly increase the dangers to be feared from a paper currency, and would eventually drive a gold circulation out of the country; for, as the law now stood, every country bank was obliged to retain a certain quantity of gold in its possession to answer the demand, equal to the circulation of its notes; but under the plan proposed that was done away with, and, therefore, whenever a run for gold might arise, it would be directed to the Bank of England and its branches, and the danger consequently increased. The plan was wholly bad, and particularly as respected the renewal of the existing Bank monopoly. He saw no reason why the business of banking should not be opened the same as any other trade, business, or occupation. The hon. member for Essex had said, that by the establishment of two rival banks evil would follow, for they would be playing tricks. He must, however, remind the hon. Member that the responsibility of each establishment, arising from publicity, would be a sufficient check, and under it no danger could be incurred. So far from entertaining any fears from publicity, he thought, on the contrary, that it would tend much to the public advantage. On the whole, however, he must protest against this system of monopoly being continued, for he was sure the time would come when it would be regretted that such an important trust as that about to be conferred should have been placed in the hands of any set of individuals.

Colonel *Torrens* said, that though he considered the plan developed by the noble Lord, the Chancellor of the Exchequer, to be in many respects an improvement upon the present monetary system, yet he could not discover how the dangers inherent in that were to be removed. Publicity of accounts, making Bank of England paper a legal tender, and relaxing the Usury Laws with respect to Bills of Exchange, were undoubtedly improvements; but evils of the greatest magnitude remained, for which it was not even attempted to apply a remedy. Long, varied, and calamitous experience had now established the fact—that a circulating medium mainly consisting of paper money, issued by irresponsible bodies, and convertible into cash, at the option of the holders, was the most fluctuating, insecure and dangerous currency which it was possible for a great commercial country to employ. The evils of this species of currency were made manifest to a considerable extent during the crisis of 1797, which terminated in the suspension of cash-payments. It would not now be contended that the pecuniary embarrassments of that period were occasioned by the war then raging in Europe, because in 1826, when for the five preceding years there had been peace with the world, a pecuniary crisis of a still more calamitous character occurred. The panic of 1825 and 1826, occurring during a period of profound repose, with universal peace abroad and perfect tranquillity at home—that panic traceable to no external or intrinsic cause, had its source and its origin in the nature of the system itself, and in the insecurity which belonged to a paper currency, when issued at the discretion of irresponsible bodies, and convertible into cash at the option of the holder. The Bank Directors, indeed, had stated in the evidence which they gave before the Secret Committee of last year, that they had, at length, become wise in their generation, and that, instructed by past experience, they now recognised and acted upon the principles which they formerly repudiated, and that in their new-born sagacity they would avert the recurrence of the evils which had arisen to the country. But was the conduct of the Bank Directors calculated to inspire the House and country with confidence in their professions? Quite the contrary. Their new and improved rules for regulating the issues of paper, so far from imparting steadiness to the circulating medium, occasioned deep and calamitous vibrations between deficiency and excess. The Directors stated that their improved system commenced in 1827. Now, in the first place, did the official accounts submitted to the Committee of last year establish the fact, that the new system adopted by the Directors of the Bank of England in 1827, had tended to give increased steadiness and uniformity to the currency? On the 27th of January, the amount of notes in circulation was 18,300,000*l.*; and on the 22nd of November, in the following year, the circulation had increased to 27,012,000*l.*, being an increase of Bank paper in circulation to the extent of one-third, or upwards of thirty per cent.; and, during December, 1831, to the first week of January, 1832, the circulation was computed at 16,400,000*l.* Now, these fluctuations in the amount of the circulation which had been produced under the improved principles of management, which was to give steadiness to our monetary system, had exceeded the fluctuations which took place before the improvement was adopted. Between the years 1820 and 1826, the highest circulation was 26,511,000*l.*, and the lowest 16,304,000*l.* Thus the facts, as recorded by the Directors themselves, showed that the fluctuations to which the circulation was previously liable had increased. The practical rule of the Bank Directors, as stated by themselves before the Committee of last year, was, when the currency was full, as indicated by the exchanges being at par, or about to become unfavourable, to keep in their coffers bullion and coin to the extent of one-third of their liabilities. Thus when the currency was full, if there was 10,000,000*l.* of gold in the Bank, their liabilities would be 30,000,000*l.*, 10,000,000*l.* being issued upon the deposit of gold, and 20,000,000*l.* upon available securities; but supposing a succession of bad harvests or other unfavourable events to reduce the deposit of gold in the Bank to 5,000*l.* and supposing, while only this amount of treasure remained with the Bank, the exchanges were at par, or about to become unfavourble, then, upon the rule which the Bank Directors laid down for their conduct, they would have to reduce their liabilities from 30,000,000*l.* to 15,000*l.* But if abundant harvests or other favourable circumstances should increase the supply of the metals in the Bank to 15,000,000*l.*, and should the continuance of a favourable exchange indicate a deficient currency then on their own rule the Directors would extend their issues of paper until their liabilities became equal to 45,000,000*l.* Thus, under the new rule of management of the Bank Directors, the currency of the country was exposed to the deepest vitiations. He regretted that his Majesty's Government should have proposed the renewal of the Bank Charter without any essential improvement, and left the country exposed to all the calamities of an insecure and deeply fluctuating currency. The establishment of a Government Bank, issuing a fixed amount of inconvertible paper, somewhat under the wants of the country—say 29,000,000*l.*, and compelled, over and above this fixed amount of inconvertible paper, to issue inconvertible notes in the purchase of gold at the Mint price, and to receive them back again in exchange for bullion at the same price, then would the circulating medium be exactly upon the same footing with respect to amount and to value as if it consisted entirely of the precious metals. The proposed bargain with the Bank was most improvident, and would assuredly disappoint the just expectations of the country.

Lord *Althorp* said, that it appeared to him that the hon. and gallant Member had entirely misunderstood the principles upon which the Bank proposed to act, and therefore he did not wish that the impression which such a misapprehension would create should remain unanswered. It was true that the object of the Bank would be to keep in possession of bullion to the amount of one-third of their liabilities; those liabilities included their deposits as well as the circulation. The principle which the Bank Directors professed to adopt was, to keep the amount of their securities level, and the consequence was, that when bullion was drawn out of their coffers to go abroad, the effect was to diminish the amount of the circulation; while, on the other hand, when bullion came in, of course the circulation was increased; therefore, so long as the securities remained the same, a diminution of 5,000,000*l.* would occasion a decrease in circulation of that amount also, and not of 15,000,000*l.*, as had been stated by the hon. and gallant Member. The increase of the amount of bullion would also create an equivalent increase of circulation.

Colonel *Torrens* said, that admitting that the deposits constituted part of the liabilities of the Bank Directors, yet he maintained that it tended still more to decrease the circulation, and was another element of fluctuation.

Sir *Matthew White Ridley* inquired from the noble Lord, the Chancellor of the Exchequer, if it was intended that the country bankers who did not issue their own paper were to be compelled to return the amount of their circulation, assets, and securities; at the same time, he begged to observe that the making a *5l.* Bank of England note a legal tender was no boon to the country bankers, and had not been sought for nor solicited by them.

Lord *Althorp* replied, that his proposition only applied to bankers issuing their own notes; and, therefore, if a country banker did not issue notes, he could not be called upon for an account of his circulation and assets.

Mr. *Baring* remarked that the noble Lord had said, that his proposition did not extend to Scotland. From this a great evil or inconvenience would arise with respect to a legal tender, particularly on the border. This inconvenience was manifested by supposing a person living in Berwick-upon-Tweed, or upon the border, who might be compelled to receive from his English debtor that which he could not tender to his Scotch creditor.

Lord *Althorp* said, that in Scotland *1l.* notes were in circulation, and, therefore, the making Bank-notes a legal tender would exclude a bullion circulation altogether. Admitting, as he did, that there should not be a difference made in the circulation, yet still he thought that subject would involve a difficult question with one sufficiently difficult as regarded England and Wales, without interfering with the Scotch circulation.

Mr. *Forster*, as a country banker, acquitted the noble Lord of any hostility to the body of which he formed a part, yet he was not sure that the noble Lord had not unwillingly been led into a scheme which had long been cherished by the Bank Directors, of monopolizing to themselves the circulation of the country. Such a measure would be most injurious. The system of country banking had its faulty parts he admitted, but taken in the aggregate it was much better than the Bank of England, inasmuch as it presented a smaller circulation founded upon a larger basis of property. The hon. member for Buckinghamshire (Mr. John Smith) was, he admitted, a high authority upon all subjects connected with banking; but he must venture to differ from that hon. Member in his opinion that the measure for making Bank-notes a legal tender would prevent panics; on the contrary, he thought its tendency would be to increase their frequency and extent. The country bankers being released from the obligation now imposed on them of keeping a store of gold, whenever a demand for that article arose in the country, whether from political discredit or any other cause, there would be a simultaneous application for it from all the country banks to the Bank of England, which would thus be exposed to most severe and sudden drains. The Committee would recollect that it was an operation of this kind which caused the panic of 1825, and if this measure were adopted, he anticipated a repetition of such events. Indeed, so impressed was he with the conviction that people in the country districts would prefer paper directly convertible into gold, to that which was indirectly convertible, that he should think it would be the policy of country bankers, notwithstanding their protection from payment in gold by law, to issue notes which should express on the face of them that they would be paid in gold; and such notes he was inclined to think, would soon obtain pre-eminence over those of the Bank of England.

The Chairman reported progress, and obtained leave to sit again.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.] The House went into a Committee on Colonial Slavery.

Mr. *Godson* wished as briefly as he could, to bring the case of the West-India planters before the Committee, and he trusted the Committee would, on such a momentous subject, give him a patient hearing. He was most ready to admit that the time for emancipating the negroes had arrived—the only question was the manner and mode of doing it. This was a most important subject, implicating not only the property, but the lives of the white population of the West-India islands. Hon. Members ought to adjudicate on the plan of the right hon. Secretary, as if they were the Judges and the Jury. He would not say, that the Jury had been packed by the accusers of the planters, but everybody knew that the most powerful exertions were made at the last election, to prevent planters having seats in that House; and it became the duty of independent Members to see that justice was done to the accused. It could not be denied that the people of England, who had poured in countless petitions, entertained a strong feeling on the subject of slavery: it had been urged on the attention of the Government, by the large, respectable, and powerful party, called the Anti-Slavery Society, composed principally of persons dissenting from the Church of England. The Government had thought proper to take nearly the same view of this national question as that very influential party. He was one of a body of men personally interested in the settlement of this question which deeply affected the property of persons resident in England, and the lives of the white inhabitants of the colonies. In his observations, however, he would carefully endeavour to pass by all irritating and unpleasant topics, and although he might feel excited, he would attempt to urge the rights of the planters in a tone as conciliatory as the slanders heaped upon them would permit. He would begin by denying the right of the Parliament of Great Britain to legislate for the internal regulation or taxation of the colonies which had Local Legislatures. The laws of Great Britain had ever recognised, and had never taken away, the right which Jamaica acquired by charter to an independent legislature. The inhabitants of that island would insist that the Legislature of England had no right to pass a law to bind them; and they would not receive it. If they were bound to submit to that jurisdiction, they ought to be convinced by reason and argument, and not by force. The right hon. Secretary for the Colonies endeavoured to convince the House that it had the right to pass this measure, on the ground that whenever a power had been delegated by a legislature it could be resumed at any time. The right hon. Gentleman assumed that the Parliament did delegate; whereas the House never had the opportunity of delegating such power to any of the colonies. The legislature of Jamaica sprang, by charter, from the King, without the knowledge, consent, or approbation of the Parliament of England. He challenged any lawyer, in or out of the House, to show any act of delegation, or any authority for delegation. That the Parliament of Great Britain had the right to enforce this law on the Assembly of Jamaica, for the internal regulation of that island, had been supported by the right hon. Gentleman, on two Acts of Parliament; and the right hon. Gentleman said, that the Assembly of Jamaica had, by acting on those statutes, admitted the right. The right hon. Gentleman first referred tt he 11th and 12th William 3rd, chap. 7, for the more effectual suppression of piracy. But that Act never was admitted into the island of Jamaica, and never was attempted to be enforced there. It did not supersede any colonial tribunals in islands having legislative assemblies, nor apply to the colonies having charters in the nature of civil corporations. It would be a very good argument if a single instance could be quoted of an Act of Parliament acted upon in Jamaica, without having previously received the sanction of the local legislature. There was not one. The island of Jamaica had a Court of Admiralty before the time of that Act, and had continued that Court without ever recognizing the statute. The other Act the right hon. Gentleman referred to, was 5th Geo. 2nd c. 7., by which persons resident in England were quieted as to the fears which were entertained, whether their mortgages on property in the colony were legal on account of the high rate of interest taken by them. The right hon. Gentleman forgot to say, that this Act of Parliament had been repealed as to the negroes; and he should have observed, that it was not passed for the purpose of interfering with property in Jamaica, but to protect the British merchants from the effect of the usury laws of this country. The legal rate of interest in Jamaica was six per cent, and the only object of that Act was to protect the merchants in advancing money at the legal rate of interest in Jamaica. Before that Act of the English Parliament there was a law of Jamaica, making negroes assets for the payment of debts, and they continued to be assets after that Act was repealed. "But, then," said the right hon. Gentleman, "I will give you the opinion of a distinguished authority on this subject," and the right hon Gentleman referred to Mr. Otis an American gentleman, but he (Mr. Godson) could show by the conduct of that gentleman, during the whole of his political life, that the right hon. Gentleman had been mistaken as to his opinions. He would read to the House an extract from an account of some proceedings at Boston, dated the 8th of May, 1770. Mr. Otis having retired to the country for the recovery of his health, it was voted—"That the thanks of the town be given to the hon. James Otis, for the great and important services which, as a representative in the General Assembly through a course of years, he has rendered to this town and province; particularly for his undaunted exertions in the common cause of the colonies, from the beginning of the present glorious struggle for the rights of the British Constitution, &c." In 1764, Mr. Otis said, "When the Parliament of Great Britain shall think fit to allow the colonists a representation in the House of Commons, the equity of their taxing the colonists will be as clear as their power is, at present, of doing it if they please." Did the right hon. Gentleman think, that by defending the rights conferred by the British Constitution, Mr. Otis meant that this Parliament possessed the right to make laws for the state of Massachusetts? All the acts of Mr. Otis's life, showed that he exerted himself to the utmost, in defence of the independence of the Colonial legislatures. He began public life by a speech against the "writs of assistance," which drew forth an eulogium from President Adams, in which Mr. Otis observed, that neither "King James nor King Charles could be supposed to intend that Parliament, which they both hated more than they did the Pope or the French king, should share with them in the government of colonies instituted by their royal prerogative." Mr. Otis was the first to resist the principles now attributed to him. He resisted, not only by state papers, but by bayonets; and such was the authority upon which the right hon. Gentleman relied, to justify an interference in the internal affairs of Jamaica. The right hon. Gentleman also referred to what Mr. Canning had said, namely—"that the interference of this country might be imperiously called for; and that it required the greatest possible case of necessity to justify such an exertion of power—that there was an ultimate power in the parent state, which was an *arcanum imperii* not to be disclosed, but when strong necessity required." But that was a gratuitous assertion of Mr. Canning, unsupported by authority or practice. It was the tyrant's plea; and would justify the exercise of uncontrolled and irresponsible power. The right hon. Secretary called on those who supported the proposition that the Parliament had not the power and the right, to point out the laws which prevented such interference. He would show, both by the charters granted to the colonies, by Acts of Parliament, and by an opinion of the Judges, that the view which he had taken of the case was correct. He would confine himself to the island of Jamaica, as he was anxious not to distract the attention of hon. Gentlemen. Jamaica was taken from the Spaniards in the time of Oliver Cromwell, who never condescended to ask Parliament for a constitution for that colony. By the 7th article of the treaty signed at Madrid in June, 1670, the king of Spain ceded that island to the King of Great Britain, his heirs and successors, for ever, with full right of sovereignty. Charles 2nd had not such love for Parliaments, as to induce him to come down with a request of the kind. By a proclamation in 1661, he made all the inhabitants of Jamaica free denizens of England; and he afterwards granted his royal charter to Jamaica, which was framed upon the report of Lord Chief Justice North. By that charter an authority was granted "to the governor of the island to summon general assemblies of the freeholders and planters within the island, to be called the General Assembly of Jamaica, who should have power with the advice of the Governor and his Council, to make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare, and good government of the island, and of the people and inhabitants thereof, and such other as shall resort thereto, and for the benefit of our heirs and successors;" which laws, statutes, and ordinances were to be "(as near as convenient may be) agreeable to the laws and statutes of the kingdom of England." It was provided that the acts of the Assembly should be sent to England for the approval of the King; and the Governor had the power of a veto. The approval of the acts of the General Assembly of Jamaica, was to be signified, not by the English

Parliament, but by the King alone. Like all other legislative assemblies, the Assembly of Jamaica emanated from the King's prerogative, and flowed from the same fountain as the Parliament of England. Hon. Gentlemen were too well acquainted with the character of Charles 2nd, not to know that he attempted to obtain money in all sorts of ways. He made an experiment upon Jamaica, but failed. A similar attempt, equally unsuccessful, was renewed in the reign of Queen Anne, to obtain a fixed revenue from the Assembly of Jamaica. This body resisted; and although laws were sent out for their adoption, the Legislature of Jamaica would not yield. The Earl of Carlisle desired that the Assembly should give their consent to the laws which he had brought with him, without the power of objecting to, or the liberty of examining, any part of them. No threat was left untried, no persuasion neglected, no art omitted, which might induce the members to bend their necks beneath the yoke. They successfully resisted, and thus established their Magna Charta. The men of Jamaica know their rights now as well as they did then. In 1703, the Governor of the island renewed the demand for a permanent revenue, but the Assembly stoutly resisted the attempt, and carried their opposition so far as to prevent the landing of troops, and they refused to yield or to grant supplies, till the Governor admitted that the English Parliament had no power to enforce bills in Jamaica. This admission he was compelled to make. During the struggle, the Legislature of Jamaica was several times prorogued and dissolved; but they continued firm to their purpose. On one occasion, the opinion of the Judges was requested by the King, whether, by his Majesty's letter, proclamation, or commission, his Majesty had excluded himself from the power of establishing laws in Jamaica; and the Judges returned an answer establishing the independence of Jamaica. This colony then, had long been in the possession of a charter, and the inhabitants had resisted the attempts of the Crown to infringe on their rights. There was an opinion of the Judges in favour of the charter, which hitherto had been respected by this country. The King, by means of the Governor, had his veto; and such was the similarity of the Constitution of Jamaica to that of England, that the House of Assembly at Jamaica would not allow a Money Bill to pass which had not originated in their House. He had examined the question as if it were some general internal regulation, but he was prepared to show that it was in truth, a tax on the West-India planters. It was proposed that the master should employ his slave for seven hours and a half a day, and for which he should provide him with food, clothing, and lodging. That was fixing the rate of wages. The act of 18th George 3rd applied to that case, by which the Government of Great Britain gave up all right and power to tax her colonies. He was anxious not to be misunderstood—he did not urge this argument with a wish to hinder or prevent emancipation; but he placed these facts and reasons before the House, because it was fitting the House should know in what light the question would be received in Jamaica. The Assembly of that island would not tamely resign its rights. He wished to point out to the House the consequences of adopting the plan of Government, and to show that the power which they were called upon to exercise they did not possess. Did the House not having the right, intend to exercise the power, and raise up the opposition of the Assembly of Jamaica? He came to the plain question whether the slaves were property or not?—whether the possessions in the West-India islands were property or not? The right hon. Secretary spoke as if he considered the slaves to be property, but an influential party, who had many able advocates in that House, had stated that slaves were not property. The planters and inhabitants of Jamaica considered that they were property. Some parts of the possessions were, undoubtedly, property. Steam-engines, buildings, houses, were still property in Jamaica; and had the House a right to take away those adjuncts which it had forced upon the inhabitants of Jamaica, and which now alone made those things, admitted to be property in England, valuable as property in Jamaica? If so, the Jamaica man had a right to say, "If you take from me that which makes my property valuable, you ought, at least, to give me compensation." The planters of Jamaica could say that the evil complained of did not originate with them; that, from the time of the first monopoly of the slave-trade, in 1662, down to the present period, the Parliament had by its own acts, admitted that there had been something attached to an estate in the West-Indies, considered to have all the attributes of property. But, independently of Acts of Parliament, he would also refer to the opinions which had been expressed by the Judges upon the subject. In 1689, ten of the Judges, in reply to a demand from the King in Council, said, "In pursuance of your Majesty's Order in Council, we do most humbly certify our opinion to be, that negroes are merchandize." Here, then, was the opinion of the Judges of the land, deliberately expressed by Chief Justice Holt, and nine other Judges of that day, and the Committee could not come to a right conclusion upon this question, unless it took into consideration what the people of Jamaica might think of it. In 1760, the planters wished to stop the importation of slaves, and were proceeding to take measures to obtain that end; but Great Britain interfered, declaring that she would not suffer the colonies to put aside a traffic which was so generally lucrative to the empire. The mother country had by her acts forced upon the colonies that species of possession which it was now said to be a crime for them to retain. If it were a crime, those who forced the colonists to commit it must be as guilty as the colonists themselves. The Statute, too, of 5th George 2nd, so confidently referred to by the right hon. Secretary, as showing that Great Britain had the right to interfere in the internal legislature of the colonies, declared, that the negro might be made the subject of mortgage. If that Act of Parliament, then, were good for any thing it went to prove the validity of his case. The right hon. Gentleman would not surely contend that an Act of Parliament, good for one purpose, must, necessarily, be bad for another. The right hon. Secretary could not say, that this Statute proved the right of the British Legislature to interfere in the internal government of the colonies, without at the same time, admitting that it proved, that in the estimation of the Parliament at home, the negro had been considered the property of the planter, and made a legitimate subject of mortgage. He would refer to only one more Act of Parliament from among the many which supported his view of the question, and this was the 46th George 3rd, c. 157, in which it was enacted "that the slaves, and negroes, and stock, and cattle, and plantation tools which have been in the Crown before, shall be given to the Lords Commissioners of his Majesty's Treasury for the time being, or to any three or more of them as he should be pleased to appoint, to be held in trust for his Majesty, his heirs, and successors." In this Act of Parliament, then, slaves were placed in trust under the King himself. Thus the slave-trade began with a monopoly to one of the Queens; and finally, this Act of Parliament invested the King himself with a property in negroes. And was not that an excuse for the people in Jamaica to consider the negroes upon their estates as a part of their property? Was it not an excuse for the comparatively illiterate planter considering that property which the United Parliament of England declared should be vested in the Commissioners of the Treasury for the benefit of his Majesty? Although this argument might, perhaps, convince the minds of persons who were not determined to prejudge the question—he did not expect that his or any other person's arguments would draw such an admission from the House. One hon. Gentleman who had spoken last night, in favour of the proposition of the right hon. Secretary, said: "Prove to me by all the laws of the world—prove to me by all the Acts of Parliament—by all the opinions of the Judges—that slavery has hitherto existed, and hitherto been sanctioned—still I contend, that it was wrong in the beginning, wrong in the continuance, and will be wrong to the end." He was ready to adopt that sentiment; but he would ask them as men of sense—as men of intelligence—as men acquainted with the affairs of human nature—to say whether, having given to this species of possession every attribute — every essential quality by which other property was surrounded—it did not become them, in removing it from its present possessors, to effect that removal with honour and honesty? He had no objection to their retracing their steps, but he must maintain that they, who had inflicted a wrong upon one part of their fellow-creatures, had no right to call upon others to expiate their offence. Supposing it true the slave was not accurately the property of the master—still in depriving the planter of what he had originally paid for, and, therefore, considered his legitimate property, it was only just in them who deprived him of it to grant him a reasonable compensation. In the case of Dominica, where the Crown was actually paid for the land, a petition had been presented in the other House of Parliament in which the purchasers expressed their determination to resign the whole, if measures of this kind were to be put into force. Let them see the benefit this country had derived from the existence of the present system. The annual amount of the Custom-duties imposed upon the West-India produce imported was between 5,000,000*l.* and 6,000,000*l.* The annual amount of the exports of home manufactures to the West-India colonies, was between 4,000,000*l.* and 5,000,000*l.* Besides this, the ships employed in the trade between England and the West-Indies amounted to 9,500; the aggregate amount of their tonnage being no less than 260,000 tons. These were the profits which England had derived from her colonists possessing the "shameless property." Did not the British Government, too, in all its contracts with the United States of America, force Jamaica to take all her supplies, either directly from this country, or from some of its colonial possessions? If Jamaica wished to procure timber or corn from the United States, where it might be obtained with great advantage—did not England say, "No; we must support Canada—you must go to Canada for your timber or corn? If Jamaica wanted fish, was she not compelled to resort to Newfoundland? If she wanted salt provisions, could she obtain them unless from Ireland, although the United States of America would have supplied her at a cheaper rate. She must have her herrings from Scotland, and her hardware from England. Jamaica dared not refine her sugar in the island, because the freight would be less, and the refiners at home injured. Her rum was not allowed to disturb the profits on whiskey, and her molasses must not interfere with the breweries. In short both abroad and at home, Britain had always taken advantage of this shameless property to procure a benefit to herself. The two great principles developed in the plan of the right hon. Secretary were first, that the labour of the negro should be limited to seven hours and a-half a day, for which he was to receive the usual allowances of food and raiment, and be entitled to his house and land; and, secondly, that at the end of twelve years from the present period he should be free. He would declare, that he was ready to vote for immediate emancipation, and indeed that part of the right hon. Secretary's plan which proposed only a complete emancipation after the lapse of twelve years, met with the approbation of very few Members of this House. By the proposed plan, no class of negroes would be really free, not even the new-born infant. As long as the mother, who was to take care of her child, continued to labour for seven hours and a-half a-day, she could not attend to it after the first two years of its existence. As long as the mother was nursing it, of course care would be taken of it, but the child being free who was to provide for it afterwards? The mother for twelve years to come would continue to work as a slave for seven hours and a-half a day; who, then, was to take care of the child during those hours, after it was two years old? By the Resolutions which the right hon. Gentleman had moved, all negroes for the future were to be called apprentices; but, though free in name—they would, in point of fact, for the next twelve years, be slaves. This was one of the worst parts of the plan; and it would be much better to declare that, at some certain time — as short as possible—negroes of all descriptions, the old, the young, the active, and the infirm should be free. Fix some definite period—say Christmas-day next year—only so distant as to enable the colonists to prepare for the change. Every person who had any knowledge on the subject had declared that it would be impossible to retain the negro in a situation partially free, and partially in the nature of slavery; and that it would be much better for Government at once to emancipate him, but under such regulations as should seem best calculated to render him a good member of society. He had very strong objections to the stipendiary Magistrates, whom it was proposed to appoint with the view of enforcing the regulations contained in these Resolutions. They were to be sent out from this country, and have no connexion with the colonies. In that case, at least 4,000 would be necessary. A little court of session would be required in every parish in the colonies. Or if it were said, that it was only intended to send out a few stipendiary Magistrates, then for what purpose was every obloquy heaped upon the present Magistrates of Jamaica? Why was their conduct described in terms which would prevent every man of honour from acting in the capacity of a Magistrate? First Ministers induced the House to believe that the Magistrates of the colonies were not to be trusted; and then because they were not prepared to send out 4,000 stipendiary Magistrates—they said they believed the resident Magistrates would enforce their views. That part of the plan could never be acted upon. It was proposed that 15,000,000*l.* should be advanced to the colonies to compensate them for trying this (as the right hon. Secretary called it) "mighty experiment." That sum was not sufficient to produce the effect desired. It would not afford a compensation for the difference in the cost of cultivating an unencumbered estate; and in the case of estates which were heavily encumbered with mortgages and other charges, it could not be considered any compensation at all. As a national question in which light Ministers seemed anxious to regard it—it would establish a principle which it would be impossible not to have applied in other circumstances. When the full grown negro was told "Seven hours and a half a-day is the whole time that you ought to labour," a principle was established which might be applied to the free labourers of this country. In point of fact, every mechanic, every weaver, every spinner, was thus told, that for seven hours and a-half labour per day, he was entitled to a house and garden rent-free, and to food and raiment, and this at the time when it was in contemplation to make ten hours a-day the maximum of the labour of infants! It was also proposed, that the negro, when raised to a state of freedom, should sit upon Juries, and serve in the militia. After the late rebellion in Jamaica, the wisdom or the policy of giving him the latter privilege seemed doubtful. By placing arms in the hands of those who had so recently escaped from bondage, the safety and peace of the colonies would be endangered. One class of persons had not been contemplated in this plan, and for their losses no provision was made. What was to become of the white population of the colonies, who were not the owners of slaves, but who derived the means of existence from superintending or managing them upon the different estates. It might, perhaps, be said, that these persons must take their chance, as they were not the actual possessors of any of this species of property; but still, in a plan of this kind, Ministers ought to consider the effect that would be produced upon them. The principal part of the revenue of Jamaica was derived from a poll-tax levied upon the negroes. If they were all to be made free, in what manner was this tax to be raised? The moment that these Resolutions became an Act of Parliament, that tax would cease. What must be the consequence? Had Ministers considered that there was such a thing as Government paper-money in the colonies—that public credit had to be supported there as well as at home? If the negroes were to be paid in money, there must be a very extensive silver coinage; for all the silver at present in Jamaica would not be sufficient to pay two weeks' wages to the emancipated negroes. Unless the planters themselves, as the parties interested, were consulted, and induced to support the Government plan, it would be impossible that it could be carried into execution. It would have been prudent, therefore, in the right hon. Secretary, not to have heaped so much obloquy upon the planters and the local authorities in the West Indies. It was true the right hon. Gentleman had a difficult task to perform; because, on the one hand, he had to prove that the planters had behaved in such a manner towards their slaves as to render it necessary for the Legislature at home to interfere for their protection; and, on the other hand, it was necessary that he should so carefully express himself as not to offend the prejudices of the planters. However well the right hon. Gentleman might have acquitted himself of the first part of his task, he had completely failed in the second—for his manner must irritate the resident planters of the colonies; and without their concurrence, mere passive resistance on their parts would be sufficient to prevent any plan from being carried into effect. The right hon. Secretary had not made out his case against the West-India planters in that candid manner which was to be expected from him. He appeared rather as the counsel of the prosecutor, than the calm, impartial, and unprejudiced Secretary of State. The West-India planters having been brought before the public, and the Bar of that House, by the vehement speech of the right hon. Secretary, it became necessary, before a decision be given, that some defence of their conduct should be made. The hon. member for Lancaster had, last evening, read several extracts from the communications of different Secretaries for the Colonies, with the Local Assemblies of the West-India islands. He (Mr. Godson) would read one of later date than any which were cited by that hon. Member. It was contained in a communication made by Sir George Murray to the Governor of Jamaica in 1830; in these terms:—"Your Lordship will convey to the Council and Assembly of Jamaica, the reiterated assurance of the most anxious desire on the part of his Majesty to co-operate with them in effecting those improvements in the slave code, which they have so repeatedly sanctioned by their recent enactments." Yet, with that document in his possession, the right hon. Secretary asserted in his speech, that, since the year 1823, the planters had done nothing to promote the views of the Legislature at home. On the contrary, every Colonial Secretary, from the very period that the right hon. Gentleman alluded to, down to the present time, had mentioned in his despatches to the several West-India islands, the satisfaction of the Government at the progress which the local legislatures of the islands were making in the advancement of the views of the mother country! It was true the colonies had not gone so far as was wished with respect to religious instruction. The Legislative Assembly of Jamaica, in 1802, had passed, an Act, by which they confined the ministry of the Gospel to the Church of England. He condemned that Act as much as any man could do. The colonists had omitted to grant religious liberty; but that was their only wrong. As far as regarded the improvement of the negro, and the modification of his condition as a slave, the colonists had acted up to the instructions and wishes of the mother country. The hon. Baronet, the member for Bristol, had gone through a number of cases, and must have convinced the House that the right hon. Gentleman was completely mistaken. In Jamaica, a great number of manumissions had, of late years, taken place. They amounted to 14,000 at least, for many occurred of which no register was kept. And was it to be made a charge against Jamaica, that its law with respect to evidence was not perfect? At the present moment there lay upon the Table of that House various Acts of Parliament to amend and improve the laws, and among them, one to improve the law of evidence in England. Could it, then, be made a serious charge against Jamaica, that she had not perfected that which had engaged the wisdom of the British senate for ages? He did not believe that there had been such instances as those mentioned or insinuated by the right hon. Secretary, of the separation of slaves. Every planter—every gentleman connected with the colonies—uniformly denied, that the practice had ever been put in force, except by legal process; and the nature of that process was such as to confine the possibility of the separation of a negro family to a very few particular instances. Savings' banks, he must mention, had been instituted in Jamaica. One was established at Montego shortly after the recommendation from the British Government was received; but not a negro would deposit anything in it. They were not accustomed to the institution, and did not know, that money, lent out, would produce them money again. The planters, then, had been calumniated and misrepresented. A Savings' bank had been instituted in Jamaica; and it failed from no fault of its founders. The most serious charge made by the right hon. Secretary against the planters, was, that the decrease in the number of the negroes in the several colonies was always in proportion to the increase of the quantity of sugar. The hon. member for Lancaster, in his able speech of last evening, had clearly and distinctly proved, that with respect to Demerara, the right hon. Secretary's calculations were founded on erroneous data, and were totally incorrect. In a pamphlet published by a very able accountant, who took as the basis of his calculations all the figures previously published by the hon. member for Weymouth, it appeared to be very satisfactorily proved—that the decrease in the number of negroes upon an estate always continued as long as there was a certain excess of the male over the female population; and that, when that excess became small in proportion to the whole population, a certain increase in the population was the result. It was clear, therefore, that the decrease in the black population of the colonies was not consequent upon the increase of labour. The charge which the right hon. Secretary had made against the colonies upon this point was one which every person in England must have heard with pain; and he was sure every planter in the West Indies would receive with indignation. Was it true that the planters of Jamaica had obtained an increased production of sugar, by working the negro to death? That was the charge made against them; and either it was true, or it was not true. That argument, if not used by the right hon. Secretary, had been used by some others who had taken part in the debate. The West-India proprietors denied the charge. They admitted, that there had been a decrease in the amount of the population; but that circumstance was accounted for by the disproportionate number of the male and female population. By the pamphlet he had just referred to, it would be found that in all the different colonies, the increase in the population had taken place, as the number of females had preponderated over that of the males; and, on the contrary, the decrease in the population had been proportionate to the excess of males. In 1823, the excess of females above males, at Barbadoes, amounted to 6,498, and in 1829, it amounted to 6,520; and the population, from 1823 to 1829, increased from 78,816 to 81,902. In the parish of Portland, in Jamaica, at first there was a great excess of males, but afterwards of females. In the island of Jamaica, in 1829, there was an excess of females of 5,913 above the males; a number so great, that the time must be at hand when there would be an increase of the whole population. The right hon. Secretary had also stated, that the diminished value of West-India property was not owing to the agitation of the slave question in this country. The right hon. Gentleman endeavoured to prove, that the West-India colonies had been in a state of equal distress at former periods. He stated, that in the year 1804, there was presented to this House a petition from Jamaica, showing, that great distress existed at that time, and declaring, that unless some immediate relief were extended to the colonies, the ruin of the planters must irretrievably follow. "This," said the right hon. Gentleman, with an air of triumph,—"this was in the palmy days of the slave-trade. At that time the planters, he said, declared, that their estates were good for nothing; and therefore, if they were good for nothing in 1833, there could be no reason for attributing the loss in their value to the agitation of the slave question. But the right hon. Secretary omitted this fact, that the Parliament of England, at the time that the colonists complained in 1804, had recently interdicted the intercourse between Jamaica and the United States of America. The inhabitants were alarmed lest that interdiction should bring a famine similar to that which had swept away 15,000 negroes; and an intercourse so beneficial to the colonists having been interdicted by the British Legislature, was it not natural that they should petition, and say, we are ruined—it is impossible that we can go on—your measures of foreign policy oppress us; we, therefore, call upon you for assistance. It may be good for the community at home that you should cut off the communication between us and the United States, but it occasions to us great injury, and we therefore pray for assistance." By the omission of that fact, the right hon. Gentleman obtained an applause from the House which would have been withheld had he stated the whole case. But the right hon. Gentleman's argument upon this point was shallow and inconclusive; because there was distress without any agitation of the slave-trade in 1804, he jumped to the conclusion, that, after a ten years' agitation of the slave question in 1833, the former was in no respect, and in no degree, to be attributed to the latter. Without dwelling upon the various causes by which the value of land was affected, this was the fact upon which he relied for a complete refutation of the argument advanced by the right hon. Secretary—namely, that since the year 1823, estates in the West-Indies had not been saleable; the produce of the estate had found a market, but the estate itself had been as if it were without a title. In 1804, the value of the produce of those estates was destroyed; but, in 1823, agitation made the estates themselves valueless. He had hitherto referred to Jamaica; but he would now call the attention of the House to the statement of the right hon. Gentleman, in reference to some of the other islands;—and first with respect to Barbadoes. The right hon. Gentleman asserted, that in no one island had the law of evidence been placed upon the same footing as in England. He had been requested by the agent from Barbadoes to deny the correctness of that assertion, as far as regarded the island with which he was connected. The Legislative Assembly of Barbadoes, in pursuance of the recommendations which were sent out from the Government of this country, passed an Act, by which they provided, that the evidence of negroes should from that time be taken in the same form, and be subject only to the same rules and regulations as all other classes of his Majesty's subjects in that island. Another of the charges against the colonies was, that they had refused to appoint protectors of slaves. This, again, was incorrect with regard to Barbadoes; for in that island, the Local Legislature enacted, that the Speaker of the Assembly, the Chief Baron of the Exchequer, and the Attorney General, should be considered as constituting a Committee for the protection of slaves. It was further provided, that those three functionaries should have the power of appointing a secretary, who should be considered as the acting protector of slaves. The right hon. Gentleman would have acted more candidly, if he had not invariably taken extreme cases as a test and sample of the system. While he pointed out delinquencies, he entirely overlooked the meritorious exertions of those colonies which had done their duty. For the sake of producing an effect, and of gaining the applause of the House, he collected together all the faults of the worst colonies, and spoke of them as common occurrences, even in the best. That was most unfair. As to compensation, he would assert that the 15,000,000*l.* which had been mentioned would not be sufficient to compensate the planters for giving up all their rights. The right hon. Gentleman had spoken of the colonies as if it were almost a matter of indifference whether we retained them or not; and it had been urged, again and again, that if the whole of our West-India colonies were taken from us, we should still get a sufficient supply of sugar. But this country wished to have the market here supplied with sugar, the produce of free labour. If, after losing the West Indies, we depended for our supply of sugar upon the produce of other countries, would the object so anxiously desired be accomplished? Where were we to obtain sugar, the produce of free labour? From Brazil? No. From Cuba? No. From the French colonies? No. Slavery existed in them all. Those, therefore, who were anxious to have sugar produced by free labour, must have a strong interest in keeping up our own colonies, because it was to them alone that they could look for the accomplishment of that great and desirable object. [*Question! question!*] He requested the House to listen, at least with the semblance of a decent attention, to his statements, after they had paid so much attention to the arguments on the other side. He was about to state, that the colonies of this country ought to be kept in such a state, that, by being worked, they might be of value; and it was impossible they could be made of value, unless there were in them a number of resident planters, which the new plan certainly would not encourage. The plan itself did not contain that "executory principle" of which the right hon. Gentleman spoke, and which, he said, was so essential to it. Ministers had injured their plan, by excluding the Legislative Assembly, and the Magistrates of the islands, from any participation in its execution, and, in his opinion, a little addition of money would have the effect of procuring their concurrence. His proposition for the expenditure of a considerable sum of money could certainly not be very palatable to the House at the present moment. The right hon. Secretary had stated, that the decrease of the duty on sugar, from 27*s.* to 24*s.* per cent, had not benefited the consumer, and that, if the 3*s.* per cwt. were again put on, the consumer would not suffer. This additional 3*s.* would produce to the country a revenue of 600,000*l.*; and 1*d.* a pound in coffee, would produce 100,000*l.* more. If the consumer did not suffer by thus raising the revenue upon the production of the West Indies, could there be any harm, anything wrong, in endeavouring to conciliate all the parties, by giving such a sum of money, as the additional 700,000*l.* should be the interest of? If the taxation upon the West Indies were increased to the amount of 700,000*l.*, Government might afford to give them a sum, of which the 700,000*l.* should be the interest, at three per cent. That sum would be 20,000,000*l.*; and it ought to be given to the West-India planters, as a compensation for the loss which they would sustain, and as an inducement to them not to resist a law, which, but for some aid of this kind, must involve them in utter ruin. The resolution with which he would conclude, embraced four distinct propositions—first, it would grant immediate emancipation to the negro; secondly, it would enable the resolutions of Ministers to work in practice, by conciliating the prejudices of the planters; thirdly, it would provide a fund for the raising of a capital of 20,000,000*l.*, which ought to be paid to the colonists as a compensation; and, fourthly, it would pledge the House to lend 10,000,000*l.* to the planters, on the security of the colonies themselves. Those who had been so anxious for emancipation, who desired that the slave should be immediately free, should vote for his resolution, because, by it, emancipation would be given at once. In the midst of all the difficulties, all the troubles, and all the dangers of this subject, would the House, for a comparatively inconsiderable sum of money, sell, not only the honour of Great Britain (as far as the West Indies were concerned), but teach a lesson to the other colonies, that no reliance was to be placed on the faith of the Mother Country? He should base the resolution which would contain the four propositions he had stated, upon the two plans which had been laid before the House—the one by the right hon. Secretary, the other by the noble Lord, the member for Northumberland. He, therefore, begged leave to move an amendment to the first resolution. It followed the Resolution *verbatim* to the end, and then introduced an addition to it. He would move, 'that it is the opinion 'of this Committee, that immediate mea-'sures be taken for the entire abolition of 'slavery throughout the colonies, with the 'concurrence and assistance of the local 'legislatures and authorities; and that, in 'consideration thereof, his Majesty be 'enabled to grant the sum of 20,000,000*l.* 'sterling to the proprietors in his colonial 'possessions, according to the number of 'slaves belonging to each proprietor; and 'that his Majesty be further enabled to 'advance, by way of loan, the sum of '10,000,000*l.* sterling to the local legis-'latures of each colony for that purpose; 'such loan to be repaid in such manner, 'and at such rate of interest, as shall be 'prescribed by Parliament.'

Mr. *Tancred* said, that it was with no small degree of surprise he had heard the right of the British Legislature to legislate on this subject for the colonies questioned in that House. The right of the British Legislature had repeatedly been asserted in different Statutes of the British Parliament, had been repeatedly recognized by the Colonial Legislatures, and uniformly admitted by all the great lawyers who had ever discussed the subject. The rights of the British Legislature had never been abandoned by any act of their own, except in the case of internal taxation. Both in Acts of Parliament and in Acts of the Colonial Legislature, the right of the English Parliament to legislate for the colonies had been directly asserted, and indirectly admitted. The opinion even of Mr. Burge supported this doctrine; for that gentleman, with no view to diminish the authority of Colonial Legislatures, had distinctly admitted the right of the British Parliament. In his evidence upon the right of the Colonial Assemblies, he said, "the common law of England prevails in this colony, except in those cases in which it has been altered by the Acts of Assembly here. But British Statutes, passed since the acquisition of the island, are not in force in this colony, unless in express terms they have been extended to the colony"—a statement which distinctly admitted, that if these Statutes were expressly extended to the colonies they would be in force there. The right to legislate seemed to him most clearly established. The next point to be considered, therefore, was—upon whom the expense of this emancipation of the slaves was to fall. He thought that the guilt of the origin and continuance of the odious system of slavery was divided between the Legislature and the planters. As there had been a common guilt, he thought there ought to be a common reparation. He despised that cheap humanity which was willing to do justice at the expense of others, but was unwilling to do it if it cost anything. He therefore supported the plan for the gradual abolition of slavery; but he must say, that he was opposed to that total change which was recommended by those who advocated the immediate abolition of slavery. There was no pressing occasion for it; and there was every reason to shun it, on account of the danger which must inevitably ensue from the adoption of such a measure. He feared, if the Parliament did not agree with the proposition for making a change in the condition of the negro, that we should have to regret the loss of our colonies. Let the House take warning by the case of St. Domingo, which, in 1789, produced a revenue of 6,000,000*l.* a-year to France. Not only was emancipation refused, but the most rigorous decrees were made, and attempted to be enforced against the negroes; and the result was, that the island was lost. A Society called *Les Amis des Noirs* had, in the first instance, with the purest motives, instilled into the negroes feelings that made them desire freedom. Among that Society were men of the highest prudence, as well as virtue and honour, and they would carefully have avoided doing anything that might be likely to drive the negroes into rebellion. But the general members of that Society acted differently, and then, what with the passing of severe decrees, and the revocation of them, the effort to oppress, and the contempt excited by the futility of that effort, the colonists were driven into rebellion, and the colony was lost. Any plan for making a decided, but gradual, alteration in the condition of the slaves, should have his support; and he again warned the House, that the example of St. Domingo was an instance of what might be expected if the amelioration of the condition of the slave, and the means of making him free were longer refused. The great object of all parties seemed to him to be, to stimulate the labour of the slave. Having that object in view, he could not but admire that part of the right hon. Gentleman's proposition, which not only allowed, but would induce, the slave to work out, day by day, his own emancipation. Under these circumstances, he should give his support to the proposition of the right hon. Gentleman.

Mr. *Buckingham* rose amidst confusion, and said, that if he had been in the habit of frequently addressing the House, or when addressing it, of trespassing on its time at any great length, there might be some reason for those symptoms of impatience; but the House, he was sure, would do him the justice to recollect, that he was the only Member who had yet proposed to limit the length of hon. Gentlemen's speeches, and bring them all within a moderate compass: and though his proposition had not been adopted, and a great waste of the public time had consequently been allowed to take place, yet he considered himself under a tacit pledge to enforce his precept by example, and to prove the sincerity of his advice by practising himself the conduct he would recommend to others. In the lateness of the hour, he should feel an additional reason for condensation and brevity; but, as he intended to touch on a branch of the question hitherto undebated, and to show the preference of an immediate, over a gradual, abolition of slavery, he trusted that he might have the ear of the House for the short period to which he would confine his claims on their attention. When the Government plan was so ably and fully developed by the right hon. the Secretary for the Colonies, he felt that there were many parts of it extremely objectionable; and, if he had had an opportunity, at an earlier period of the debate, to have explained the grounds of this feeling, he would have done so at some length. But, for the present, he would content himself with saying, that the two principal features to which he should object were these—namely, the protraction of the period of emancipation to twelve years, and the making the negro pay, by a portion of his daily labour, during that time, for a liberty which ought never to have been taken from him, and which should be restored to him instantly and without cost. The latter part of the plan, he rejoiced to find, was to be given up; and seeing that the Ministers had thus yielded to the popular opinion, in abandoning that part of their scheme, he confidently hoped that, by the Amendment he should propose, and the discussion to which it would give rise, they might also be induced to relinquish the other part of the plan, and give freedom to the slave in the shortest possible period of time, instead of continuing his bondage for so long a period as that originally contemplated. It was in this hope, at least, that he had framed his Amendment; and in this hope he would persevere with it to the end. He would not go over the ground already so fully occupied by the hon. member for Bristol (Sir R. Vyvyan), on a former evening, and by the hon. members for Kidderminster and Banbury (Mr. Godson and Mr. Tancred), on the present, as to the right of the Parliament to legislate for the colonies at all. Neither would he advert to the evils or the horrors of slavery in general; because, as all parties had now admitted, that the system was bad, and that it must be abolished, he should deem it a waste of time, and an unnecessary irritation of the feelings of opposing parties, to say one word on the subject. The past should be now forgiven and forgotten, if we could only secure the blessings of freedom for the future: and to the attainment of this he would therefore strongly recommend that the exertions of all parties should be exclusively devoted. The motives which had led to the almost universal demand throughout this country for the abolition of slavery were three-fold. There were, first, those—by far the largest number, and the most zealous and uncompromising—who demanded it as enjoined by religion; who deemed slavery sinful in the eyes of God, and contrary to the spirit of the Gospel. There were, secondly, those who contended for freedom as a claim of justice, and who held slavery to be inconsistent with the rights of man, as proclaimed and protected by the British Constitution. There were, thirdly, those who saw in slavery a most degrading, impoverishing, unsafe, and costly system of subjection—and who, on grounds of policy alone, demanded its abolition. Now, every one of these three classes advocated immediate, rather than gradual, abolition. The religious class, because whatever was sinful ought, they contended, to be abandoned without a moment's hesitation or delay; the philanthropical class, because they equally contended, that injustice ought to be remedied at the earliest possible moment of time; and the political and commercial class, because they conceived that the longer the system of slavery lasted, the greater would be the amount of evil to be redressed; and the greater the difficulty of restoring freedom to the enslaved. All these were, therefore, for immediate emancipation, without any further delay than was absolutely indispensable for the protection of the public peace: and this conclusion was, indeed, borne out by the fact, that out of the thousands of petitions presented on this subject, bearing the signatures of more than a million of persons, they nearly all prayed for immediate, rather than gradual, emancipation, and demanded that the freedom they claimed for the slave should be given him at once, and secured to him for ever. This demand, however, was opposed by the Ministers, as well as by the West Indians, on various grounds: the principal of which were these— first, that by immediate emancipation, there would be great danger of insurrection, which would lead to the murder of the whites and the loss of our Colonies entirely; secondly, that if this did not take place, the natural indolence of the slaves was so great, that no stimulus but the whip would ever make them labour, even for a bare subsistence; thirdly, that as sugar could not be cultivated by free-labour, the abolition of slavery would lead to the extinction of the growth of sugar in the West Indies; and fourthly, that the slave colonies of other countries, thus becoming the only places in which sugar could be grown, we should be giving them a benefit at the sacrifice of our own possessions, and encouraging that very slave trade, which our aim was to abolish. These, he believed, were the principal objections raised to immediate emancipation, and he would answer each of them in detail. First, then—as to the danger of insurrection; the causes of insurrection generally were, a strong sense of wrong, and a determination to shake off some burthen or yoke. As long as slavery was continued, call it by what name they might, whether apprenticeship or servitude, or by any other term, as long as forced subjection to an individual master, without power of removal, or of improving wages, remained, so long would there be danger of insurrection: for so long would there be powerful motives to rebel. But when freedom had been granted—when the yoke had been taken off—when every man might seek his own employer, and fix his own terms of reward; when the blacks were elevated to the same enjoyment of equal rights with the whites, what was there to rebel for? What greater good could they hope to attain? It was not the usual conduct of mankind to rebel against their benefactors, nor to break out into insurrection when freedom was accorded to them. In general the people of all countries were too happy to receive the smallest boon from the hands of their rulers; and it was only when rights were withheld, and justice denied, that insurrections or rebellions ever did take place. They were frequent in the West Indies now—they occurred often in the East—they happened perpetually in all the despotic states of Asia, and they took place occasionally in the worst governed countries of Europe—of which Turkey, Spain, Portugal, and Italy, were examples. But there were no insurrections in America, and none in England; and if there were any, they would occur, not because rights were conceded, but because rights were denied. The rule was universal, that men never rebelled because freedom was granted to them; and that the only danger of insurrection lay in a denial of rights which were justly due. But, as to the murder of the whites—What was to hinder that taking place now, if the hatred of the blacks was so strong? Nothing but military force. Let, then, such force be still further strengthened by a preventive police, and a body of independent Magistracy, until the change from slavery to freedom should be complete; and as the slaves would have no addition to their numbers or their force by being made free, while all the motives to rebellion or revenge would be greatly lessened, we could not, for a moment, apprehend insurrection as a consequence of their obtaining their immediate freedom, though we might dread it as the almost inevitable consequence which must and would ensue on that freedom being longer withheld. Secondly—As to the indolence of the slaves, and their incapacity or unwillingness to labour for their own support. It could not be denied, that the love of ease was as common to the negro race as to every other. It was not necessary to resort to Africa to discover this propensity. All men disliked to labour more than was necessary to obtain for them the enjoyments of life: beyond this, they desired leisure, or at least the entire direction and control over the employment of their time. It was also true, that, in warm climates, repose was a greater luxury than in colder ones. But notwithstanding this: how stood the fact? Was it not established by evidence the most varied and unimpeachable, that wherever the experiment had been tried, it had been found that the negroes, like other men, were beings made up of hopes and fears, and operated upon by the stimulus of rewards and punishments? They had been granted for their own use, in some cases, a day in each week; in others, an hour in each day: and in both they had shown that in the hour or day devoted to their own use, and the produce of which was to be for their own benefit, they had done more than in twice or thrice the time employed for the benefit of others. Had he had the good fortune to have caught the Chairman's eye in an earlier part of the night, he was prepared to establish this by evidence, which he had brought with him for that purpose; but at this late hour, and under the pledge of brevity he had given, he would abstain from reading the evidence he had brought. He might direct, however, those who still entertained doubts on this subject, where it would be found; and he would accordingly name the works he held in his hand. They were not anonymous, but each the productions of authors well known and highly esteemed, both in the political and the literary world. The first was Mr. Jeremie, for many years a resident in the West Indies, as President of the Council in the island of St. Lucie, and subsequently appointed in an official capacity to the Mauritius. This gentleman, in his "Essays on Colonial Slavery," presented a large mass of evidence to prove, that the emancipated slaves were among the most industrious of men: that, under every imaginable disadvantage they acquired property, and became industrious, frugal, and prosperous artisans and traders. He gave an interesting history of the town of Castries, in St. Lucie, where the great part of the population were free blacks, and people of colour, and by whom a large amount of property was held in houses, lands, ships, &c., many individuals possessing from 2,000*l.* to 3,000*l.* of value; and all acquired entirely by their own exertions. The other work was one entitled "Wages, of the Whip," drawn up by Mr. Conder, a well known author, in which was collected a body of evidence to satisfy the most sceptical of this great truth, that wherever coercion or force was applied to draw forth the exertions of the negro, he gave his labours unwillingly; and it was consequently unproductive: but wherever the stimulus of hope and reward were offered, his vigour became redoubled, his industry was untiring, and his labour was rendered profitable both to the employer and the employed. There was not the slightest ground, therefore, for the assumption, that, if liberated, the negroes would fail to support themselves; and the best proof, perhaps, that could be given, that the Ministers did not entertain this view of the case, and consider the negro a peculiarly indolent being, was this—that though they urged his natural unwillingness to work, as an argument against his immediate emancipation, and justified the keeping him in slavery for twelve years longer, on the ground that it was necessary to teach him habits of industry (as if the unfortunate slave had not been taught those habits, by being kept at hard labour all his life), yet they expected this "indolent being," who they alleged could not be induced to labour, by the stimulus of hunger and nakedness, to supply the want of food and raiment, which could only be thus obtained—they expected him, when all his wants had been supplied by the seven hours and a-half of labour for his master during the day, to labour the other two hours and a-half, without the stimulus of hunger and nakedness, but with the prudent forethought and design of laying up a provision for a future day! Now, both of these positions could not be true—the negro could not be at once the most indolent and improvident, and the most industrious and prudent of the human race; though the Ministers assumed him to be either, as it best suited their purpose. The truth was, that he was in neither of these extremes; but his character was that of the common average of humanity under similar circumstances to his own: whatever was bad about him, was the result of his enslaved condition, and could only be eradicated by his being made free. Whatever was good about him was part of his human nature, and, as such, was capable of progressive improvement; the first step to which must be his emancipation. And, as all slaves hitherto made free had bettered their condition from the moment of their freedom being attained, there was no good reason for doubting but that all the slaves in future to be emancipated, would run the same career of improvement, some faster and some slower than others, but all at least rising above that lowest point in the scale of existence, which now marks them the next link in creation to the beasts of the field, but which, being broken, they would rise, like other rational beings, to the enjoyment of all the privileges and all the virtues of manhood and humanity. Thirdly—As to the cessation of our supplies of sugar, which it is contended, can only be had from the West Indies, and only be cultivated by slaves. It was certainly remarkable, that such an argument as this should be advanced by any one pretending to geographical, or political, or commercial information; and yet it had been dwelt upon at great length. But could hon. Members be ignorant of the fact, that in our own immense empire of the East Indies, any quantity of sugar might be obtained, the entire produce of free labour; and even now, under all the disadvantages of its growth, so much cheaper than the sugar of the West, that, to protect this, a heavy extra duty had been placed on all the sugar imported from Bengal, without which the West-India sugar, produced by slave labour, would, long ago, have been driven out of the market? It was true, that at present, the East-India sugar was inferior in strength and quality to that of the West: but when the same protection of person and property should be extended to residents in Bengal, as was now enjoyed by the inhabitants of all our other colonies—when British capitalists should be permitted to hold lands in India, establish mills, and apply the capital, the science, and the skill, of Europe, to the cultivation of sugar in the East, as they now do in the West—there was no doubt, in the mind of any person who had resided in India, that its quality might be made quite equal to that of any sugar in the world; and, therefore, that all alarm on the subject of failure of supply in this necessary or luxury of life, was perfectly groundless. Fourthly—As to the encouragement which would be given to slavery in other colonies, and the extension of the slave trade for their supply, by the cessation of slavery in our own, he thought the remedy for this perfectly easy:—If, instead of the unjust preference which had hitherto been given to the produce of slave-labour over that of free industry, the Ministers would but reverse the rule, and tax heavily the produce of slave colonies, while they admitted the produce of free labour on easier terms, slavery would then become so much more unprofitable than freedom, even to the planters themselves, that it would not long be continued. And as to the slave trade, he contended, that if the Government of England would only be just enough, courageous enough, and virtuous enough, to declare the slave trade to be piracy, wherever practised, and by whomsoever carried on—and make some severe examples of those captured in its perpetration—it would soon be swept away, as it deserved to be, from the face of the earth. There was one remarkable inconsistency in the opinions held on slavery and the slave trade, to which he must, for a moment, advert. All parties were now agreed to speak of the latter with detestation and horror, even those who saw nothing in slavery itself so bad as to require its abolition. But, for himself, he deemed slavery to be the worst of the two. The slave trade consisted in the capture and conveyance of men from Africa to the West Indies, in a most inconvenient and uncomfortable manner, it was true; but what was slavery but a perpetuation of this state of suffering and wrong, for all the rest of the victim's life? It was a crime, no doubt, to seize the free man, and make him a slave: it was also a crime to transport him by force from his native home to a foreign shore: but was it not equally a crime to purchase this injured victim, and to keep him in cruel bondage all the rest of his days? For his own part, though he knew it was against the commonly received opinion, he considered the subsequent bondage of perpetuated slavery to be even *worse* than the original capture and banishment of the slave, to which it gave rise. He thought that the subsequent slavery, though coming after, in point of time, was, in reality, the parent of the slave trade itself; for had there been no receivers of stolen men, men would not continue to have been stolen: had there been no buyers of slaves, there would soon have ceased to be sellers; and he therefore could not understand the philanthropy of those who affected such extreme horror at the slave trade, as the means by which the victims were procured, but had no indignation whatever towards those who kept those victims all their lives afterwards in bondage, subject to misery, to stripes, and to chains. The time, he hoped, was arrived, when both slavery and the slave trade were about to be extinguished together. Let England set the proud example first; and use all her great political and moral influence with other countries, to follow it; and he did not despair, even before he sunk into the grave himself, to see slavery abolished in every colony of the West, whether British or Foreign; as well as in the United States of America, where it had too long been a blot on the free institutions for which that country was otherwise distinguished. He had thus endeavoured, much more briefly than he could have wished—as, in deference to the convenience of the House at that late hour of the night, he had omitted many arguments on which, had he been earlier in the debate, he should have felt it his duty to dwell—to show that all the reasons alleged against immediate emancipation were capable of being refuted: and that as such immediate emancipation was more just, and not more dangerous, than any protracted scheme, it ought to have the preference of all parties, whether they wished the abolition of slavery on the grounds of religion, justice, or policy—all of which were opposed to any delay whatever, beyond the shortest possible period, within which adequate arrangements could be made to carry the emancipation into effect. In conclusion, he would say a few words on the prospects which such a measure as he advocated would open to the colonies, as well as to the mother country. The negroes being released from their present degraded and depressed condition, would become subject to new motives, animated by new hopes, and cheered by new enjoyments. The means of instruction being afforded them, their leisure would be devoted to the acquisition of knowledge. Religious and moral, as well as entertaining and useful instruction, would teach them that the wants of man could be best satisfied by industry and prudence; that, next to the satisfaction of the physical wants, the attainment of knowledge was at once a duty and a pleasure. The developement of every new mental faculty would expand the desire for further intellectual attainment; and thus the now dormant powers of the negro mind would be brought out into progressively increasing exercise, till they became fitted for the highest enjoyment of all social and domestic pleasures. With increased intelligence, augmented wealth would be acquired; new desires would require new materials for satisfaction; the further developement of the resources of their own industry would furnish the means of payment or exchange; and the demand which would thus be created for British manufactures of every sort and kind, would be the most ample, as well as the most satisfactory, repayment of any temporary sacrifice which we might now be called upon to make, to carry this great measure of immediate emancipation into effect. If loss should actually accrue for the first few years, from the change from a system of slave labour to one of free industry in the cultivation of the soil, he should have no objection whatever to such loss being compensated; though, he believed, that the planter as well as the slave—the colony as well as the mother country—would be benefited by the change. As his Amendment was but the first of a series of Resolutions growing out of it, which he should be prepared, at the proper time, to submit to the House, he should, for the present, content himself with following the example of the Ministers, who, though they had laid four Resolutions on the Table of the House, were going to divide only on the first. He would, therefore, submit only the first of his Resolutions by way of Amendment; and when the sense of the House had been taken on it, he would shape his course with respect to the others accordingly. His Amendment was as follows:—"That it is the opinion of this Committee that immediate and effectual measures should be taken for the entire Abolition of Slavery in all the British possessions, without further delay than may be necessary to organize a body of Magistracy and Police, for the preservation of order and peace—and without subjecting the emancipated slaves to any payment or burthen whatever as the price of their redemption."

Colonel *Davies* observed, that he was a free judge on the present question, having no recorded opinions upon it, and no interest at stake. He had no hesitation whatever, in saying, that the immediate abolition of slavery was absolutely necessary. The wishes of this country, and the situation of the colonies, imperatively demanded that it should be no longer delayed. And yet, he could not forget the tremendous difficulties which stood in the way of that abolition; difficulties involving in themselves not only the existence of the colonies, but the prosperity of this country. He could not forget that there were two parties to be considered; and that while the negroes ought to have justice done to them, the rights of their masters ought not to be neglected. Whoever had a large body of constituents must have among them many who on this subject were hurried on by an inconsiderate zeal, which, nevertheless, did credit to their hearts, although it made them dangerous guides. In his opinion, if the House were to adopt the Resolution of the hon. member for Sheffield, they would take a dangerous and impolitic step. He was anxious for the immediate abolition of slavery; but he could not shut his eyes to the danger attendant upon it. Let the House recollect the misery that had been produced by sudden emancipation at St. Domingo; misery ten thousand times greater even than that of slavery itself. He was friendly, therefore, to a course which would subject the slave to a course of probation. But while he stated this, he objected to the proposition of the right hon. Secretary of State. He thought the slave ought to have such wages as would, in a few years, enable him to purchase his emancipation. As he intended to take the sense of the Committee on the right hon. Gentleman's fourth Resolution, he would say a few words on the subject of it. When he considered how loudly the people of this country complained of the pressure of existing taxation, he could not assent to the policy of imposing an additional tax on colonial produce. He thought, also, that the gift of 15,000,000*l.* would be the most fatal boon to the colonies. The depreciation of West-India property had been so great of late years, that there could be no doubt that that sum of 15,000,000*l.* would soon be absorbed. Nor was that all. The produce of the West Indies was so considerable, that it did not meet with adequate consumption in this country. Would the consumption of that produce be increased by increasing the duty upon it? On the contrary, to increase that duty would inevitably be, to increase the difficulties of the planters. The right hon. Gentleman seemed to think that the produce of the increased duties would afford ample means of paying the interest of the loan. The returns of late years proved that this was a fallacious expectation; and there could be no doubt that the country would be saddled with the permanent interest of that loan, or 600,000*l.* The true course would be, not to increase, but to diminish the duty. That would at once relieve the planter, and, by increasing the consumption, give a stimulus to all trade in connexion with the islands. Even if it diminished the revenue (which was doubtful), that diminution would be trifling compared with the perpetual charge of 600,000*l.*, which would be incurred by the proposed plan. Before he sat down, he begged to repeat that there was no warmer friend than himself to the immediate abolition of slavery, as far as that was consistent with real justice and humanity.

The House resumed—the Chairman reported progress, and obtained leave to sit again.

HOUSE OF LORDS,

Monday, June 3, 1833.

Minutes.] Paper ordered. On the Motion of the Lord Chancellor, an Account from the Deputy Registrars of the Court of Chancery, of the Manner in which the Sums received for Decrees and Orders are divided between them and their Clerks: also the Number of Decrees and Orders drawn up in the years beginning on Hilary Term, 1797, 1806, and 1832.

Petitions presented. By the Duke of Northumberland, and a Noble Lord, from two Places,—for the Better Observance of the Sabbath.—By the Earl of Radnor, from Salisbury, for Amending the Sale of Beer Act.—By the Duke of Northumberland, the Marquess of Stafford, the Earls of Carlisle and Uxbridge, Lords Dinorben and Suffield, and the Bishop of Bath and Wells, from a Number of Places,—against Slavery.—By the Duke of Richmond, from Nottingham, for Poor Laws to Ireland.—By the Duke of Gordon, from the Kirk Session, and Clergy, of Kilmaniraig, to have Church Service performed in Ireland in the Irish Language.

Breach of Privilege.] Earl *Roden* said, before entering upon the important Motion which was about being brought forward by a noble Duke, he was anxious to call their Lordships' attention to a breach of the privileges of that House. It was not, however, he must premise, his intention to propose to visit the individual who had been guilty of it with any punishment; but he thought, at the same time, it was most important to show to their Lordships and the public the manner in which reports of what took place in their Lordships' House were made in that journal to which he referred. It would be in their Lordships' recollection that on Friday last a petition was presented by a right reverend Prelate, whom he did not now see in his place—he meant the Bishop of Durham. That petition was against any measure of spoliation of the Protestant Church. In the petition, there was an expression which gave rise to an observation from a noble Earl (the Earl of Suffolk), whom he perceived in his place. That noble Earl, with some warmth, said, " If the rights and privileges of the Church were inalienable, how had it become Protestant?" It would likewise be in their Lordships' recollection that a right reverend Prelate (the Bishop of Exeter), whom he did not now see in his place, informed that noble Earl, in answer to the question, " that the Established Church had become Protestant, not by attaching the temporalities of the Catholic Church, but by changing its spirit; and that the spirit had become more pure." Such was what transpired; but what he had to complain of was what appeared in *The Times* newspaper, for it was that journal to which he alluded. The noble Earl was made to say, after this, " That Henry 8th, taking possession of the property of the Church, was, after all, only making it more pure." Now their Lordships would recollect that no answer to that effect was made. Not a single word was said by the noble Earl about Henry 8th. What he (Earl Roden) complained of was, that the report which appeared in *The Times* newspaper was a gross breach of privilege. It was a gross breach of privilege that *The Times* paper, a newspaper of great notoriety, probably of greater notoriety than character—should put into the mouth of a noble Lord words which he never uttered—a speech which was never made. A noble Lord opposite appeared to smile. He (Earl Roden) thought it was a serious matter, that a newspaper should attribute to a noble Lord, and send it forth to the world as a speech of that noble Lord, sentiments which he had never stated. He (Earl Roden) was not one of those at all anxious to complain of a breach of privilege in the publication of the proceedings of that House, but he was anxious that what was given should be accurately stated. He thought it important that the public should know what were the feelings and sentiments of public men; but it was mischievous to attribute to them sentiments which they never uttered, and thus become a means of deceiving the people. He should not have thought it worth while to notice this subject at all had this been a solitary instance; but that paper had been guilty of similar practices on other occasions. During the present Session, in the Debate which took place in their Lordships' House on the system of Irish education, observations were made respecting himself and a right reverend Prelate not now in his place, as having been uttered by a noble and learned Lord not now in England—he meant the Lord Chancellor of Ireland (Lord Plunkett)—which had never fallen from the lips of that noble and learned Lord. Those observations were base and untrue. The noble and learned Lord, with that courtesy for which he was distinguished, waited upon him and the right reverend Prelate the following morning, and disavowed having used such remarks, and he was anxious to call the attention of the House to the report which had appeared that day in the newspaper. He (Earl Roden) told the noble and learned Lord, that it was too contemptible to be worthy of notice, and so no public notice was taken of it. But when such things went forth to the country as having taken place in their Lordships' House, he thought it necessary to rise in his place and speak of them, in order that the country might be aware how little regard was to be paid to the reports of such a journal.

Relations with Portugal.] The Duke of *Wellington* said, he had to apologize to their Lordships for venturing to call their attention at the present moment to a subject connected with the foreign relations of the country. He was well aware how little interesting all observations relative to foreign affairs were at the present time, when all men's minds were occupied with questions of paramount importance relating to the internal concerns of the country, and its commercial and colonial interests. But he was also aware, that if there was any nation for which more than another this country felt, and justly felt, deep interest, it was Portugal; and particularly with respect to the question which he was about to submit to their Lordships' consideration, and which, in his opinion, involved materially the interests and honour of this country. The alliance between this country and Portugal was the most ancient to be found in the history of nations; it was an alliance repeatedly recognized by all Europe—it was one from which this country had derived advantage from a period almost beyond memory, and for the preservation of which this country, in better times, had expended her best blood and treasure. He had, on more than one occasion, since the formation of his Majesty's present Administration, ventured, in his place in Parliament, to suggest to the noble Lords opposite the necessity of taking measures to prevent the existence of a civil contest in Portugal and the Peninsula between men of extreme political opinions. This advice he had frequently urged upon the Ministers; but he was sorry to say, that from the commencement of the formation of their Government—at any rate from the period when they felt themselves secure in office, they had proceeded in a course most injurious to the government of Portugal; and he would endeavour to prove, before he sat down, that they had done every thing in their power to promote that contest between extreme opinions which now unfortunately existed in Portugal. He would prove to their Lordships, that if the present state of things were allowed to exist, it was absolutely impossible for civil war not to extend from Portugal to Spain, and that, sooner or later, this country must take part in it, if she wished to prevent both those countries falling into the hands of their powerful neighbour. On former occasions he had given the Government full credit for not having been the cause of the invasion of Portugal by the French in the spring of 1831, which led to those unfortunate circumstances in which the country was now placed; but he had then relied on what he had heard stated in that House and elsewhere, and he had not then had an opportunity of seeing the official papers connected with the subject. He had, however, since seen them, and he was now positively convinced, that the measures adopted by his Majesty's Government in April, 1831, aided and assisted the design previously entertained by the French government of invading Portugal. It appeared by the documents now before their Lordships, that on the 2nd of April, his Majesty's consul at Lisbon reported to the Secretary of State for Foreign Affairs, that a French squadron, consisting of the *Melpomene*, of 60 guns, and other ships, had sailed from France and arrived at Lisbon, for the purpose of making certain demands on the Portuguese government. That report was received in London on the 12th of April. Now, one would suppose, that his Majesty's Ministers would have been impressed with the necessity of protecting Portugal against this attack of the French government—that they would have done that which they were bound to do by treaty—endeavoured by their interference to prevail on the French government to act with reason and moderation in the enforcement of its claims, and would have enforced on the Portuguese government the necessity of giving satisfaction with regard to the claims justly made by France. This they would have done if they had attended to the stipulations of treaties; for by them the Government of this country was bound to treat Portugal as a part of Great Britain itself. They were bound to interfere in favour of Portugal on every occasion as much as if that country was a part of Great Britain. Under these circumstances, there could be no doubt that on the receipt of this intelligence from the British Consul, the Government ought immediately to have interfered; and more particularly as it appeared that, with respect to one of the points on which France demanded satisfaction, the Portuguese government was in the right. He would not enter into the details of the case of Bonhomme, but the noble Earl opposite could not deny, that the Portuguese government was right with respect to that case. The report from the British Consul arrived on the 12th of April, and the Government, instead of taking measures to put an end to the state of hostilities, immediately ordered a squadron of frigates to sail to Lisbon, to enforce similar demands on our part against the government of Portugal. Was this a time at which such demands ought to have been made, and in such a manner? In his opinion, this was the very moment which of all others should not have been seized upon to make any claim against the Portuguese government. However, his Majesty's Ministers persisted in sending out this squadron; and as soon as a similar preparation could be made in France, another squadron of French ships was fitted out to make a demand on Portugal on account of the claims of the king of France. The Portuguese, in the first instance, refused to listen to any proposition proceeding from the French admiral, saying, truly enough, that he had no commission to treat with them: they asked for the interference of this Government, but all mediation was refused; and the consequence of this non-interference on our part—the strongest non-interference he had ever heard of—was the seizure of the whole fleet of Portugal, the only fleet which that country had to defend itself against its enemies. But the principle of non-interference could not fairly be acted upon by the Government of this country towards Portugal. We were, in point of fact, bound to interfere in favour of Portugal by one of those treaties which Ministers were daily in the habit of enforcing against that country, and the infraction of which, on the part of Portugal, was the pretence for our sending out a fleet on the 15th of April. When the French arrived, they met with no resistance. In one letter the British Consul said, they did not fire, whilst other documents asserted they did fire, they did not immediately take possession of the Portuguese fleet. Indeed, before the ships were taken possession of, the French Admiral signed a treaty of peace with the Portuguese government, in which he stated, that "France, always generous, makes no fresh demands." The Portuguese fleet was not at that time included in his claims; though it had since been discovered by some law officers of the Crown in this country, that because there had been a war (where it had existed he was at a loss to imagine), and a subsequent treaty, the surrender of the Portuguese fleet was a matter of course, in consequence of ulterior demands made by France, and acceded to by Portugal because she had no means of resistance. But why had she no means of resistance?—because his Majesty's Government had in a manner tied her hands. This, then, was what his Majesty's Ministers called "aiding an ally." This was what they called executing the treaties by which they were bound, they having themselves exacted from Portugal the performance of every article at the point of the bayonet, and having actually sent ships to enforce it by blockading the Tagus. There was a very curious circumstance attending the capture of the Portuguese fleet to which he begged to call their Lordships' attention, as tending to explain the whole nature of these transactions. During the period of this expedition, Don Pedro, the brother of Don Miguel (whom he would not call the king of Portugal, because he was not recognized by this country, though he was unquestionably king *de facto*), was in Paris. The day after the arrival of the French squadron in Portugal a steam-vessel arrived with despatches to the French Admiral; and it was not until after the reception of these despatches, that any claim was made on the Portuguese fleet. Was there, then, no connexion between the arrival of that steam-boat and the claim afterwards set up for the surrender of the fleet? After the arrival of Don Pedro in Europe a course of transactions commenced quite opposed to the law of nations, and contrary to the usual practice of Europe; he alluded to the equipment in European ports of vessels destined for the Azores, to be employed against the *de facto* sovereign of Portugal. He did not deny that these proceedings had taken place while he was in office; but he used every effort to prevent the British ports and arsenals being made the means of fitting out an armament against a country to which England was bound by so many treaties. In a short time afterwards, however, increased activity was shown by the agents of Don Pedro; loans of money were attempted to be raised, and a very large body of men was assembled at the island of Terceira. A squadron was also collected there, and it was commanded by officers who had been in his Majesty's service. He must do the Government the justice to say, that they did remove from his Majesty's service the officer who at that time undertook the command of the naval force of Don Pedro; but he was very much surprised to hear the noble Earl opposite, in reply to a question put by him (the Duke of Wellington) the other night—whether a certain officer who had proceeded to Portugal to assume the command of the forces at Oporto had been removed from his Majesty's service, say, that all he knew of the circumstance was from what he had seen in the public newspapers. It was certainly true, that in 1831 his Majesty's Government did dismiss from the service the gentleman who assumed the command of the naval forces of Don Pedro; but how had they acted in the months of November and December of the same year? At that period considerable levies of troops were made, which were embarked in ships on the river; among which were the *Asia*, the *Congress*, the *Fairy*, and the *Juno*. Information was given to Government of the existence of this armament, and of the intention of fitting out other armaments in his Majesty's ports; but his Majesty's Ministers refused to take any notice of the information. The Gentleman who acted in this country for the Portuguese Government then went and gave information to the Commissioners of Customs, they being the persons specially charged by the Act of Parliament passed for the prevention of enlistments for foreign service with its execution. After taking the opinion of their law officers they gave orders that the vessels should be detained; and if the matter had stopped there, nothing could have been more satisfactory; but instructions afterwards came from a superior authority—whether from the Treasury or the Foreign-office he could not say—directing the vessels to be released. Those vessels were accordingly released, and sailed to Terceira, carrying with them the very men who afterwards landed in Portugal. Was this the performance of treaties—was this neutrality on the part of the British Government? The noble Earl would perhaps tell the House, that the law officers of the Crown advised the release of those vessels, detained by the Commissioners of Customs. If the noble Earl made such a statement, he would be bound to produce the affidavits which induced the law officers to come to that conclusion. He did not ask for the case laid before the law officers, or their opinion on it, but he should wish also to see the other affidavits which had been submitted to the Commissioners of Customs, and by them transmitted to the Treasury, in order to decide whether the authorities had done what their duty required, and especially whether their duty had been done by Ministers, who ought never to sanction any thing which would have the effect of bringing the two countries into hostile collision. Now, he would barely state the facts; and what were they? Why, that instead of measures being taken to stop those vessels, they were allowed to sail; and what were the consequences? That the transmission of men from this country to Portugal, the conveying of them from France here, in order to be sent to Portugal, and the sending of arms, ammunition, and every thing necessary to maintain the war, continued from that hour to this. Of that the noble Lords opposite said, they had no knowledge; but it was as perfectly well known to every noble Lord, and to every man in the country, except his Majesty's Ministers, as any fact of daily occurrence. Indeed, these proceedings formed the subject of inquiry before Courts of Justice and before police Magistrates—nay, if he was well informed, the head of the government of Portugal had sent back 100 Englishmen, who had been taken prisoners in Portugal, and had been forwarded home by the assistance of the British consul. Did his Majesty's Ministers know anything of that? It was, then, their bounden duty, if they really had the intention of rendering justice to Portugal, to prevent the recurrence of such transactions. He knew that his Majesty's Ministers would say, that they were strictly neutral; that if, on the one side, Don Pedro had raised as many men as he chose here, cavalry as well as infantry, and if he had fitted out ships and sent out stores and ammunition, so also might Don Miguel, and he had only to send here and take them out. But he would beg to remind the noble Lords, in the first place, what was the law of the country, and, next, what was the law of nations? Upon this subject, Don Miguel, though not acknowledged by us as a rightful sovereign, yet was not and could not be otherwise treated with by this Government than as a king *de facto*. We enforced on him the performance of the treaties we had concluded with Portugal. There could be no doubt that Don Miguel was in possession of great advantages as a king *de facto*, and moreover there was the Portuguese nation, which was also interested, and as little doubt that she ought not to be deprived of what was due to her. Then, what was the law of nations? He would read the opinion of one who was still alive, but it was the opinion of a man whose name was never mentioned without exciting in every bosom sentiments of reverence and admiration. This individual had lived to see his admirable decisions adopted by the civilized world as the rule of their conduct —need he say he meant Sir William Scott, now Lord Stowell; and it was his opinion that he (the Duke of Wellington) was about to read respecting the rights of neutral nations, and the necessity there was on the part of every power to respect the rights of others. "Strict neutrality (said Sir William Scott) is a neutrality consisting of a complete abstinence, not only from interfering in warfare, but from giving any kind of assistance to one side or the other." The judge did not say, that a neutral might give assistance to both, but that he should not give any to either. The very meaning of the word was, to withhold succour from both parties, and that was the doctrine held by all the authorities on the subject. The Judge had then referred to Vattel, who said, "In order to view the subject properly, we must consider what a nation ought to do if neutral if there should occur a war between her ally and another state. While she continues thus neutral she should observe the most exact neutrality, and give no succour in arms or troops, or anything, for the purpose of carrying on war." A neutral state should absolutely give assistance to neither party. Sir William Scott said, "the practice of giving succour to either side by individual acts is unjust to one of the parties, by depriving him while in a state of amity with us of the preponderance of power which he would otherwise enjoy." He would apply this to the case of Don Miguel, who had a preponderating power, and he would then ask was it right that we should give aid, or that our government should give its sanction to the giving aid, against his preponderance, so as to deprive him of it? Sir William Scott added—"No country could be released from the operation of her neutrality unless she gave notice that she would change her line of conduct. While nations remained in this situation they could not in practice act contrary to it, and if they interfered they must do so by giving an open notice, or by a declaration of war. No solecism (added the judge) could be more mischievous than that the subjects of a country should assume the right to act hostilely without the intervention of the state itself. It was the right of states, and they solely could assume a belligerent attitude. They had the right and the power to prevent their subjects from interfering. There could be no doubt, then, this country had the right to prevent its subjects from interfering. He (the Duke of Wellington) did not pretend to argue the question of law—that he would leave to others more competent—but this opinion was founded on common sense, that it must be the rule of men's acts, and he would therefore ask whether it was right or just, that Englishmen should be allowed to carry on a private war against a prince *de facto*, and, above all, against a country and a Government which we were bound by treaties to protect? What he had hitherto said, and what he had quoted from Sir William Scott, referred to the law of nations; but what was to be said when, on coming to the laws of the country, their Lordships saw, that they too required the Government to act on these principles? The Foreign Enlistment Act made it incumbent on the officers of Government to restrain the subject from interfering? The subordinate officers of the Government did perform their duty—they arrested the vessels when about to sail illegally, and they acted according to law. Then, however, the Ministers came forward and said "No, this is not a case for interference, and you shall not do your duty." The question, then, was, had there been a breach of the law of nations and of the law of the land. If both had been observed, and his Majesty's Ministers had done their duty, all this mischief would have been prevented, and a country to which we were bound by an ancient alliance would not have been the seat of war for nearly twelve months, and would not have been exposed to the disasters of foreign invasion. All the evil of which he complained, was the consequence of this neglect of duty. But that was not the only ground he had for censuring Ministers. He had lately seen in the newspapers the publication of a correspondence between his Majesty's Government and the Spanish ambassador at this court respecting the conduct to be expected from Spain in this contest, and it appeared, that his Majesty's Ministers had very properly insisted that Spain should remain neutral in the contest between the princes of the house of Braganza, making an engagement at the same time that this Government should also remain neutral. He would ask, then, was neutrality the line of conduct which had been adopted by this Government? Was it true that this country had been neutral during this war? Was it not, on the contrary, the fact that the war was carried on in Portugal by means derived from this country—by men, ships, arms, and ammunition obtained from his Majesty's subjects? Then he should wish to know whether the Ministers had not broken faith with Portugal, and if they had not broken faith with Spain? Had we, in fact, been neutral? He was sure, that there was no one who heard him could doubt, that the engagement with Spain had been broken, after what occurred in November and December, 1831. In fact, the sending of reinforcements continued up to this very moment. It had never ceased, and except the impediments of the weather, and the hostilities at the mouth of the Douro, the reinforcements had received no obstruction. There never was a detachment of the British army sent from this country which had received more constant aid in every way from England. Lastly came the fact of a few days' old, that of an officer, a distinguished officer of his Majesty's navy, going with steam-boats and transports, and this officer was to invade Portugal by the Tagus, and to capture Lisbon. He had heard of this, and for the honour of the country he had asked the noble Earl (Earl Grey) whether he knew of it, and his answer was, that he had only read it in the newspapers. Of this expedition a great part had been collected at Spithead. The officer to whom he had alluded was there, and the vessels were anchored amidst the ships of his Majesty, and it appeared his Majesty's Government had no communication of this from those authorities, which were in constant and daily communication with the Ministers. It appeared also, and this fact was extraordinary, that there had been a mutiny on board one of the vessels of this expedition, because some of those which were called volunteers felt rather inclined not to go, and they did, as sailors often do, lower a boat with the intention of running away. They made a mistake, however, in not cutting the painter. It was not cut altogether, and five or six of these unfortunate people were drowned, and to save them the vessel never hove to. He did not know whether there ought not to be a Coroner's inquest, and judicial inquiries into this matter. He was sure, that measures ought to be taken to prevent practices which had given rise to frequent discussion, between poor persons enlisted and those who were in the habit of kidnapping men, and afterwards ill-treating instead of paying them. What was most strange, however, was, that all this should happen at Spithead, and that no one of his Majesty's Ministers should know a word about the matter? The only way in which he could account for it was this, that the officers of his Majesty's army and navy did not choose to stigmatise transactions which they might suppose agreeable to his Majesty's Government. They knew, that when in November and December 1831, armed vessels proceeding to Portugal had been arrested by the officers of the Customs, an order had been sent by his Majesty's Government to let them go. It was very natural, therefore, that those who desired to remain on good terms with his Majesty's Government, would not report or busy themselves about interrupting an expedition which they must believe it was the wish of his Majesty's Government should proceed. On that ground it was, that he accounted for the fact, that his Majesty's Government had received no information on the subject. But this was not all; a very considerable body of men, including Poles and Frenchmen, were lately assembled at Falmouth, commanded by French officers, and intended to invade Portugal. In his opinion, however, it would have done much more honour to his Majesty's Government, if they desired that Portugal should be invaded by foreign troops, had they come down to Parliament and stated openly that such was their wish and intention. That would have been a manly course of proceeding. But the course which they had adopted was a course unknown to the law and practice of nations. He begged to make a few further observations on the evils which might result from all this. He would suppose for a moment, that by dint of foreign assistance the government of Portugal should be changed. He would then ask, whether their Lordships thought it would be right or proper that such a superiority should be acquired of military adventurers assembled by means such as those had been?—whether they thought it would be right or proper that such persons should be allowed to go and establish what Government they pleased in Portugal, or in any other country towards which we professed neutrality? In his opinion, that was not a proceeding which ought to be supported, or which could at all redound to our national honour. If this system should succeed in establishing another government in Portugal, what must be the results? A civil war in Portugal would be the smallest evil. For he defied any one who knew the state of the Peninsula to avoid entertaining the most decided opinion, that a civil war in Portugal must be followed by a civil war in Spain. Setting aside the breach of our written engagement with Spain, which country would be justified in relying on our not allowing the invasion of Portugal, if by our conduct we produced civil war in Portugal, that civil war would most assuredly extend itself into Spain. The interest of the country and the honour of his Majesty's name could not be safe under such circumstances. His Majesty had, from the Throne in that House, declared that he would observe neutrality; his Majesty's Ministers had declared, that neutrality was the policy of the country. If all this were so, in the name of God, let his Majesty recall every one of his subjects who had engaged on either side of the contest. Then, indeed, would neutrality be established, and then, indeed, would that good feeling be secured between the countries which it was so desirable to maintain. He would conclude by moving, "That an humble address be presented to his Majesty, to entreat him, that he would be graciously pleased to give such directions as were necessary to enforce the observance by his subjects of his Majesty's declared neutrality in the contest now going on in Portugal."

Earl *Grey* observed, that in the commencement of the noble Duke's speech he had made some statements on which there could be no difference of opinion. The noble Duke had begun by declaring that, important as were the interests of agriculture, of commerce, and of manufactures, our foreign relations were also highly important; and that he thought sufficient attention had not been paid to them by the public. In that sentiment, he entirely agreed; and he entirely agreed in the opinion with which the noble Duke had followed up his declaration, by dwelling on the importance of Portugal to the interests of this country. The noble Duke could not be more anxious than he was for the well-being of Portugal, and for the maintenance of our connexion with that country. The question was—whether his Majesty's Government had acted with a due consideration of those circumstances; and before he sat down, he trusted, that he should be able to satisfy their Lordships that there was no ground for the noble Duke's Motion; a Motion which the noble Duke himself admitted was one of censure, and intended to fix on the present Administration the stigma of having violated their public duty. The noble Duke asserted, that his Majesty's Government was bound both by the general law of nations and by the particular circumstances of the case in question, to prevent those occurrences which the noble Duke characterised as violations of neutrality. These were serious charges; and if they could be supported by reasoning and fact, their Lordships would do well to pronounce judgment against his Majesty's Ministers. But when they cast a retrospective glance on the events referred to, he thought they would come to a different result. In the first place, he begged to call their Lordships' attention to the situation of the present Administration with respect to Portugal, when they came into office. At that time there existed in Portugal, as the noble Duke had stated, a king, *de facto*. Their Lordships would allow him to recall to their minds (not for the purpose of renewing past controversies, but to clear the ground for the decision of the present question) the manner in which that sovereign became possessed *de facto* of the Crown. Don Miguel went to Portugal under the protection of the British flag; bound by a solemn engagement to the emperor of Austria, to the King of England, and to his own family and honour, to defend the constitution, and to administer the Government of Portugal as regent, on behalf of the infant Queen. On this engagement, Don Miguel went to Portugal; having sworn the most solemn oaths to adhere to it. England had acknowledged Donna Maria as the legitimate sovereign of that country, and we had conveyed Don Miguel to Portugal, to secure the interest of this young queen. It was well known how the engagements into which Don Miguel had entered had been violated. It was well known, that he had been enabled to violate it only by the presence and protection of a British army. But for that it would have been impracticable for him to usurp the regal authority. Was the Government of this country, or was Europe at large, slow in pronouncing an opinion on the act? In the first place, the British Minister—so flagrant did the case appear—stopped the payments of the loan to Don Miguel, which had been made in this country. The Government of this country concurred with other governments in withdrawing their Ambassadors from Lisbon; the strongest mark of disapprobation, short of a declaration of war, which could be inflicted; and they put an end to all diplomatic relations with the government of Portugal. In this state our relations with Portugal existed at the time of the accession of the present Administration to office. The diplomatic relations with Portugal had not been renewed. It was true, that something like an approximation to that renewal had been made; but it had been accompanied on our part by a declaration, that the previous step (he would not call it a condition) should be taken by Don Miguel's Government, of ceasing to persecute all the faithful subjects of her majesty the queen of Portugal. Shortly afterwards measures were taken by Don Pedro to enforce the right of his daughter, and it could not be denied, that he, the natural protector and guardian of his daughter, was bound to enforce her rights. Their Lordships would perceive his reasons for entering into these statements. On the one side, they had a *de facto* king, as Don Miguel was called; on the other, a sovereign who had been acknowledged by England, and by the other nations of Europe. On the one hand, they had an unnatural usurper; on the other, a queen whom we were bound by treaty to support, at least against foreign aggression. He (Earl Grey) would now ask their Lordships (and really he ought to apologize for thus detaining them, for he felt that he should have had much greater difficulty in making out his case if he had acted on the opposite principle), he would now ask whether Government could be called upon from any consideration arising out of the obligations imposed upon it by treaties—out of any obligation arising from International Law—or out of any obligations arising from the duty which one country owed to another—whether Government ought, from feelings of honour and duty, to have felt itself, called upon from any such considerations, to take part directly against a sovereign, whose rights we had acknowledged, to the advantage of a usurper whom we had denounced? That, in his opinion, was the real state of the question. [At this time the Dukes of Wellington and Cumberland appeared to be in conversation, which interrupted the noble Earl.] He had not interrupted the noble Duke, when the noble Duke was addressing their Lordships, and he thought he ought not to be thus disturbed. He wished to ask, he repeated, whether this country could be considered bound by any of those considerations which he had just mentioned, to interfere directly against the queen of Portugal. The noble Earl, he believed, thought we ought to have interfered to prevent the first expedition from Terceira, on the principle that we were bound to protect Portugal, but he asked how that case, being an expedition to restore the rights of her we acknowledged to be lawful queen, could possibly be assimilated to those, in which this country was bound by treaty to take part in behalf of Portugal, and in which it had actually so taken part, but only for the purpose of repelling foreign invasion? Those cases in which Portugal had successfully claimed the execution of the treaties which had so long subsisted between her and this country were of a very different nanature from that to which the noble Duke had alluded. The noble Duke had next referred to a subject to which he had certainly not anticipated that any allusion would have been made: as the noble Duke's notice gave no intimation of it, and he was not, therefore, so well prepared with the necessary documents as he should have been if any such intimation had been given. The noble Duke had asserted that this country was bound by treaty to assist Portugal in repelling the attack of France upon that country two years ago, and the noble Duke charged the Government with a violation of the public faith in neglecting to do so. He would show the House that there was no foundation at all for such an assertion. If there had been any foundation for it—if the conduct of Government in this respect involved a breach of the public faith, why had not the noble Duke taken some previous opportunity of impugning that conduct? It was now two years since the French expedition in question had taken place; and if he had thought it a matter of so much importance, it was very extraordinary that he should not have brought forward the subject at an earlier period. Certainly we were bound by treaty to resist the invasion of Portugal by France; but the circumstances under which the last French expedition to the Tagus was sent, placed that on very different grounds from those former attacks which we had considered it our duty to resist. We were bound by treaty to resist any unjust invasion of the territories of the Crown of Portugal, but certainly not to espouse any quarrels which Portugal might enter into, without considering, on our own parts, whether our Ally was in the right or not. To say the contrary, would certainly be making a bold assertion. The noble Duke was surely not prepared to maintain that we were bound to resist every species of attack which might be made on Portugal, to compel her to do justice when she had committed a wrong? Was it possible that any country should contract such an obligation? Had any country the power of contracting such an obligation? Could it be supposed, for a moment, that we were bound to resist an attack which was caused by violations of the rights of any particular country by our Ally, or which arose from something wholly unjustifiable on the part of Portugal? Would the noble Duke argue thus, or if he did, would the House agree that, without any consideration of the justice of the case, we were bound to assist Portugal against the attack of a power which only took up arms to obtain satisfaction for injuries, or the acknowledgment of her rights? This expedition complained of consisted only of a few ships which entered the Tagus, to claim what France had a right to demand. He therefore viewed the subject in quite a different light from that in which it had struck the noble Duke. The noble Duke said, the French were quite wrong as to Bonhomme, and though he could not refer to documents for the reason which he had before stated, he confessed that all his impressions were, that France was right, and had a clear case in its favour. Complaints were made of the aggressions of Portugal, and for which reparation had never been made. The French government had continued making application upon the subject, but without effect. This country had enforced redress by the same means employed by France; and it was impossible, with any fairness, to say that France had not a right to have recourse to expedients similar to those we employed ourselves. But the real question now was, whether, in the case of Don Pedro's expedition, this country had pursued a system of strict neutrality? He thought that, on some late occasion, the noble Earl (Aberdeen) had stated, that we were in military possession of Portugal, because his Majesty's Government had found it necessary in consequence of repeated complaints on the part of British merchants at Lisbon, that a considerable force should be kept in the Tagus for their protection. He would now proceed to detail our transactions in that country. In consequence of repeated applications from the British merchants, resident in Lisbon, of the representations respecting the insecurity of their property and the danger to which they might be exposed, if there were not a sufficient British force in the Tagus to protect them, Admiral Parker was sent to the Tagus, and remained there until the expedition was known to be advancing for the invasion of Portugal. An application was then made, desiring that the ships that had been sent into the Tagus, and which had remained there with no other view but to protect the British merchants resident in Lisbon, might be withdrawn, that request was immediately complied with. The men of war took their station outside the roadstead, and only one vessel (and that not armed) was left, for the purpose of keeping up a communication between the fleet and the British Consul at Lisbon. He would next allude to the mission of Lord William Russell, who was sent to Portugal to watch the proceedings, and particularly to watch over the observance of neutrality by other Powers. The spirit by which the Government had been actuated was one, he contended, of perfect fairness and neutrality. The noble Earl proceeded to read a variety of documents, consisting of communications between different officers and the members of the Government, in confirmation of these assertions. The first communication which he read was dated 9th September, 1831. It was directed to Admiral Parker and stated that his first object of the British naval officers was to protect the British merchants and their property, and to abstain from all interference with political matters. He was directed not to afford protection to such merchants as interfered with the internal affairs of the country. The next communication dated the 21st May, 1832, upon the application for the withdrawal of the British ships from the Tagus—a letter which the noble Earl read—was sent, was also addressed to Admiral Parker. It stated, that it was his Majesty's command that the requisition of the Portuguese Government should be immediately complied with—that Admiral Parker should leave the Tagus with his ships, and should transmit his orders to the commanding officer in the Douro, to withdraw his ships also from that river. On the arrival of Don Pedro, the strictest neutrality was directed to be maintained; they were to abstain from rendering assistance to either party, and to pursue the same line of conduct to both sides. On the 1st of June, 1832, Admiral Parker was instructed, that, under all the circumstances, he was to maintain a perfect neutrality, and carefully to avoid any cause of complaint. On the 19th of June, Mr. Barrow wrote to Admiral Parker, that as the expedition of Don Pedro was expected to make its appearance, the Lords Commissioners of the Admiralty cautioned the British Admiral not to enter into any communion with the expeditionary force, which might cherish any hope of assistance from the British naval force off the rock of Lisbon, but to observe the strictest neutrality between both parties. Again, on the 11th of July, a similar communication had been made, particularly cautioning Admiral Parker to give no advice to Admiral Sartorius, lest even communication with him might be misconstrued. He had alluded to those communications in order to show what had been the spirit which had predominated in all the communications of the British Government on the subject of the late events in Portugal, and that the strictest neutrality had been enjoined by the Government as far as the British force was concerned. He need not state that those instructions which were given to Admiral Parker were acted upon with all that discretion, with all that independence, with all that firmness, which had uniformly characterised the conduct of that gallant officer during the whole course of his professional career. As further proof that these instructions had been acted upon, he would state, that on the arrival of the fleet attached to the expedition of the Tagus, Admiral Parker had written to one of the Secretaries of the Admiralty, to inform him that Admiral Sartorius had arrived in the Tagus, and having taken up a position which placed the British ships in the line of the fire of a Portugese battery directed against the expeditionary fleet, he, Admiral Parker had received a requisition to move out of the line of fire; upon which he proceeded to a station about three miles distant, which he had since continued to occupy, keeping his ships under sail. An English steam-vessel had been sent by Admiral Sartorius with some intimations relative to the blockade. Admiral Parker immediately objected to the British flag being hoisted on any vessel which had any connexion with either of the belligerents. The complaint was immediately attended to. One of the expeditionary vessels approached so near the flag-ship of Admiral Parker, with letters explanatory of the affair of the English steamer, that the Portuguese batteries having directed their fire against the former vessel, one of the shot struck the British ship, and was immediately apologised for by the commander of the fort from which it had been discharged. The noble Earl next read a short communication, directed to Admiral Parker, stating that the Lords Commissioners of the Admiralty approved of his proceedings with regard to the fleet under the command of Admiral Sartorius. After this a circumstance occurred, which led to the re-entry of his Majesty's ships into the harbour of the Tagus. This circumstance was nothing else than the murder of one of the servants of Lord William Russell, in a way which did not permit it to be supposed that it was in consequence of any mere ebullition of popular feeling, since it was perpetrated by a person actually serving under the orders of the Government of the country, and since no public proceeding had been taken to inquire into the circumstances of the case, and to bring the offender to justice. Upon the repeated representations of the British merchants resident at Lisbon, it was thought necessary that our fleet should re-enter that port, but it went with the same orders to observe the strictest neutrality, and it was conducted always with the same strict obedience to the letter of his instructions on the part of Admiral Parker. There were many other circumstances, both with respect to the ships in the Douro, and with respect to those in the Tagus, which would go to confirm what he had stated as to the anxiety of the British Government and its officers to adhere strictly to such a line of conduct as should be perfectly fair and equal to both parties. He trusted, under all these circumstances, that their Lordships would see, that in the employment of the naval force in the Tagus there was no reason to suppose Government to have been inattentive to its duty in the observance of a strict neutrality, or that the officers whose duty it was to carry the orders of Government into effect, had been wanting in the discretion and firmness required for the due execution of these orders. Though he had thought it necessary to bring the subject thus in detail before their Lordships, he did not mean to shrink from the responsibility which he knew he incurred as a Minister of the Crown, if it were shown that he had acted in any respect inconsistently with what was due to the honour of the country. He knew, although he had had the unanimous support of his colleagues, that he stood responsible for his measures to their Lordships, to the Parliament, and to the country. He did not mean to shrink from any part of the responsibility which devolved upon him; but he trusted that their Lordships would at least give him a fair hearing, and that they would come to such a conclusion as the honour and the interest of the country demanded. Notwithstanding all the facts he had stated, it was argued that there had been force employed from this country in favour of Don Pedro. The Government, it was said, had permitted things to be done which were not consistent with the neutrality which they professed. That neutrality could not be considered a real neutrality, when it was well known that one of the Belligerents was supplied, or permitted to be supplied, from this country with ships, with provisions, with stores, with ammunition, with arms, nay, with men, from this country. Let their Lordships examine a little how far this charge could be supported either on the general principles of public law, or on the facts of the case. With respect to the general principles of law, he apprehended that merchants in a neutral country were perfectly at liberty to furnish to any belligerent power, ships, provisions, stores, ammunition, or arms, without any breach of the neutral character of the country. This principle, he believed to be incontrovertible and indisputable. To answer this argument, the noble Duke had quoted the authority of Lord Stowell. Now, the noble Duke did not defer with more respect to the opinion of that noble and learned Lord than he did. No person more admired his talents or respected his integrity. He did not think that a better Judge ever sat in the Court of Admiralty than Lord Stowell; but before he would agree to the application of his opinion, in the way that the noble Duke sought to apply it, he should like to know on what occasion and for what object that opinion was made? Without knowing these points, it was impossible to say how far the opinions of the noble and learned Lord would apply to the present case. The decision was, that it was inconsistent with the law of nations to give succour to one belligerent power against another, and that such succour could not be given without compromising the neutrality of the country. With that opinion, he (Earl Grey), perfectly agreed; but the question here was, whether permitting British merchants to supply both the belligerents with British stores and ammunition compromised the neutrality of this country? He maintained that individuals might be permitted to supply either of the belligerents with any of those articles which constitute the material of war, provided they were permitted equally to supply both belligerents. In the way in which he had now stated this principle, he thought it was incontrovertible, and he did not believe, that Lord Stowell would impugn it. He next came to the question of the supply of men from this country, which might be somewhat more difficult, he admitted. He did not mean to enter into any of the distinctions and hard words of the civilians, with which he professed to be but slightly acquainted, but he would refer to several points in the practices of civilized nations, to show, that the fact of the subjects of one country serving against another did not amount to a violation of the neutrality between the two countries. Did they not know for how many centuries the Swiss Confederacy had existed in the very centre of Europe, and having its neutrality acknowledged and respected by every power in Europe, yet permitting any state to levy forces in its dominions, and that to such an extent, that it had not unfrequently happened that different bodies of Swiss soldiers had been found fighting on different sides on the same field of battle? It was well known, that in the different wars between France and Germany a great portion of the French armies were Swiss; yet no attempt was ever made on the part of the German States to impugn the neutrality of Switzerland on that account. Even this country had hired the troops of some of the petty German States to fight its battles—as in our contest with our North American Colonies; and it was never argued, that the sovereigns of those states which furnished us with these troops had forfeited their claim to neutrality. In the case of the South American States, before the Foreign Enlistment Act was passed, expeditions had been fitted out, under British officers, against the Spanish power in that part of the world; but Spain never thought of considering that fact as amounting to a breach of the neutrality of our position with respect to the contest between her and her colonies. Did their Lordships not know, that a similar course had been pursued with regard to Greece? They knew, that there was a strong national feeling in that cause—a feeling which was natural to every member of the civilized world, and from which he believed that hardly anybody was exempt? Aid was given to the struggling Greeks, without that circumstance being ever considered an infraction of our neutrality. The mere circumstance of permitting individuals thus to interfere in the affairs of foreign countries on their own risk, could not, he again contended, be considered an act of hostility to the other party, provided the same advantages were left open to that other party. He would not repeat here the distinction which had been taken some time ago between a war of one foreign power against another, and a war arising in the interior of a state among its own subjects. He would rest the point simply upon the fact, that Don Miguel had it in his power to obtain supplies from this country just as easily as Don Pedro. There was not, in point of fact, in his army a single musket which was not of British manufacture. The mortar, or piece of ordnance, which, he understood, had recently proved the source of the greatest annoyance to the garrison of Oporto, had been sent at no very distant period from this country. British stores and ammunition had been sent from British ports, in vessels chartered by British merchants, for the army of Don Miguel, no less than for that of Don Pedro. Supplies of men, perhaps, there had not been; for the cause was so revolting to every British heart, that he did not believe it would be possible to find a single man to carry a musket in his cause; but he had had the assistance of a British officer, with respect to whom complaints might with equal propriety have been made by the party of Don Pedro. The officer in question, had not only been active on the side of Don Miguel by his counsel, but had even used language with a view to prevent Don Pedro from securing the services of that officer's countrymen, which he could not but characterise as highly improper. The next point to which the noble Duke had adverted was the Foreign Enlistment Act, by which he maintained, that the Government, having the power conferred upon them of preventing British subjects from serving in the armies of foreign princes, had also, by the same Act, the duty imposed upon them of keeping the subjects of these realms from entering into foreign service. Now, the history of this Act was shortly this: It was founded on two Acts passed in the reign of George 2nd, and afterwards repealed, because they had been enacted only for a temporary and for a special purpose. They were intended, in fact, to prevent British subjects from entering into the service of the Pretender to serve against the legitimate Sovereign of Great Britain and Ireland (he called him the legitimate Sovereign, because no one would deny that the family which now holds the Throne of the United Kingdom holds it by the most legitimate of all rights—the consent of the people). In 1819, the Foreign Enlistment Bill was passed for a similar temporary and particular purpose, namely, to fulfil the terms of the engagements which had been entered into in the Treaties of 1814, to take the most effectual means to prevent any assistance from being afforded to the South American States, either by supplies of ships, stores, or men. The Act was, therefore, made for a particular and not for a general purpose. He, therefore, denied the noble Duke's construction that that bill imposed upon us the duty and obligation of prohibiting the levying of troops for Donna Maria. He had yet to learn, that we were bound by any consideration to enforce any of our municipal laws, other than our own sense of what was due to our own honour and interest. The bill of 1819, he repeated, was framed for a specific, and not for a general, purpose. [Here Lord Holland whispered to the noble Earl.] His noble friend had just reminded him of a fact which put this interpretation of the Bill beyond the reach of controversy. His noble friend opposed, and actually entered a protest on their journals, to the effect that though the bill was avowedly brought forward to meet a particular contingency, yet it might be appealed to by foreign powers in a manner prejudicial to British interests. "No," said the noble and learned Earl, who then sat on the woolsack, "that is impossible; no foreign power can make so flagrant a mistake as to suppose that the measure admits of general application." It was impossible, then, to put any such construction upon the internal legislature of any country, although, in the particular case for which the law had then been made, namely, that of the South American States—there might have been a positive engagement, which rendered both the law itself and its enforcement equally necessary. The next point of the noble Duke's speech to which he had to allude was the transaction respecting the vessels of Don Pedro, which had been seized by the Custom-house officers, but on the information of the Portuguese consul (M. Sampayo), had afterwards been given up, as it was said, on the interference of Government. Now, how did the case stand? In the first place, after the seizure, the Secretary of State for the Home Department had received a letter from the Commissioners of Customs, desiring to know how they were to act? He would ask the noble Duke whether he meant to say, that it was the duty of Government to decide immediately that the vessels were properly seized? It was a question of law, whether, under the provisions of the Act, these vessels were legally seized; and he did not see how it could be argued that the Government did not act properly by referring the question to the law officers of the Crown. The vessels were released on the opinion of the law officers. According to the construction put upon the Act, by the law officers, the vessels could not be legally detained by the Custom House officers on the mere application of an agent, whether authorised or not, of any foreign state. In this transaction, therefore, so far from acting in a way which could be construed into an infringement of the neutrality of the country, they had showed an earnest desire to see the law duly enforced, and had only agreed to the release of the vessels after the opinion of the law officers of the Crown had been given to that effect. So much for the effect of the noble Duke's statement, that the case of these vessels exhibited an instance of gratuitous interference on behalf of Don Pedro. He was afraid he was tiring their Lordships by insisting so long upon a case which appeared to him so clear. He must, however, observe, that in order to enable the King's Advocate to come to a correct and satisfactory conclusion upon the question, there had been laid before him the complete correspondence and affidavits. His opinion was taken on the facts stated by the Portuguese consul himself; and his opinion was required—not merely whether the case came within the provisions of the Foreign Enlistment Bill—but whether, also, it came within the provisions of any other law? He would ask their Lordships whether, in the upright and anxious execution of his duty, it was possible for him to do anything more than to lay before the King's Advocate—not, as had been insinuated, a partial or a garbled statement —but the fullest and most authentic particulars, and ask him for such an opinion? He was sure he might appeal to the justice of their Lordships to exonerate him from any charge of wilful or improper negligence. The noble Earl quoted at some length the opinions of the King's Advocate. He stated, that the information contained in the letters of M. Sampayo was much too loose and indefinite to justify the adoption of any measures against either persons or shipping; that if he could bring further and more satisfactory proof, then his proper course was, to apply to the officers of the Customs, who were empowered by a section in the Act to seize any vessels which should be employed for the purpose stated by him; but that the present was not a case for his Majesty's Government to interfere, for the Statute pointed out the way in which it ought to be done. After the vessels had been seized by the officers of the

Customs, reference was made to the Attorney and Solicitor General, who declared (and the noble Earl quoted their opinions) that, whatever reasons there might be for suspecting a body of men were fitting out in London for the service of Don Pedro, there was not sufficient evidence to afford just grounds for proceeding against them under the provisions of the Act. A further application was subsequently made, and the opinions of the legal advisers of the Crown were again taken, more particularly in reference to the obligations of existing treaties; to which they replied, that whatever might be the obligations of existing treaties for the defence of the throne of Portugal from attacks, these obligations would not apply to a case of civil war, nor to the case of a disputed claim to the Crown of Portugal. He quoted this opinion in opposition to that unfair and untenable construction which the noble Duke appeared to have placed on these treaties, that they bound us to resist every attack on the kingdom of Portugal, whoever might be its Governor—whether the quarrel in which it was engaged were just or unjust—whether the succession were admitted or disputed. This was the claim made by the noble Duke; and he put in answer to this claim, the declaration made by the King's Advocate, that when the right of the party making this claim was not acknowledged by this country, the appeal made by him could not be maintained. This, he thought, would be sufficient to satisfy their Lordships that his Majesty's Government had neither interfered improperly on behalf of one party, nor improperly refused to interfere on behalf of another. He was somewhat surprised, indeed, that the noble Duke should bring forward this charge, since, if he remembered rightly, a case had occurred during the noble Duke's administration of affairs, in which the noble Duke himself had found the difficulty of enforcing the provisions of the Foreign Enlistment Bill. Representations were made by the Ambassador of Spain then, he believed, M. Zea Bermudez, that a certain ship called the Mary, was fitting out in this country, and persons were engaged here to go out in that vessel for the purpose of making a descent on Spain, and creating a civil war. The ship was detained, and many proceedings took place; but at last it was found necessary to release the ship, and all that was done was, to detain certain arms which were on board; and in regard to the shipping of which, the Custom-house regulations had not been complied with. Returning to M. Sampayo, that gentleman afterwards requested his Majesty's Government to declare their disapprobation of English subjects giving any assistance in the shape of men, provisions, stores, &c., and that the officers at all the ports should be directed to prevent all supplies of this kind from proceeding to Portugal. This application also was referred to the King's Advocate, who gave it as his opinion, that although as a general rule no neutral State could interfere with belligerent powers, yet that rule was never considered as applicable to the prevention of the trade of the subject with either of the belligerent nations; that it was no subject of complaint against a neutral government that its subjects supplied either of the contending parties with those articles which were deemed contraband in war, or that they let their vessels be employed as transports, or for the conveyance of stores, but that the law of nations had provided a remedy for this without bringing the belligerent and neutral powers into contact, by giving to the belligerent the right of blockade and search, and of confiscating any property and vessels engaged in such contraband commerce; that it remained, therefore, with the belligerent to intercept them on their passage, and all that was required of the neutral Government was, that it should not interfere for the protection of its subjects against the penalties which the belligerent Government might think proper to impose. The noble Duke, too, spoke of this as if all the assistance given by British subjects was given to one side in preference to the other. Now the fact was, that the advantages resulting from this assistance were enjoyed by both parties. There was not the slightest doubt that this was the case. Fortified, therefore, as he was, with the consciousness of having acted with the most upright intentions, and fortified as he was, in every stage of the proceeding, with the best legal advice that could be obtained—and that, too, from a quarter certainly not disposed improperly to favour the present Administration — fortified, as he would say, by the opinions of a gentleman so distinguished for his knowledge of the law of nations as the eminent individual who held the office of Advocate-General, he submitted to their Lordships, that the noble Duke had failed in making out his case. He submitted, that the charge brought against him by the noble Duke, of infringing the neutrality of this country had failed. Probably had the alleged breach of neutrality been a breach more congenial to the views of the noble Duke—had the Government interfered in favour of Don Miguel—probably their Lordships would never have heard any such complaint. He certainly took a very different view of the state of affairs in Portugal to that taken by the noble Duke. Under all the circumstances, he had considered it his duty to himself and others, not to interfere in the struggle now going on in Portugal, though he certainly thought that he should have been justified in so doing, had he considered it expedient. With regard to the present expedition under the command of a very distinguished officer, he must say the noble Duke appeared to be much better informed upon the subject than he was as to the nature and extent of the force, and where it was to proceed. He had certainly heard from public rumour of the intended expedition. The noble Duke might be correct; but he certainly did not know, till he was informed by the noble Duke that night, of the particulars which he stated. He had heard nothing of the assemblage of those vessels, or of the amount of their force, their munition or troops; of all these he was in perfect ignorance till he was informed of them by the noble Duke. All that he knew was by public rumour, that such an expedition had sailed from Falmouth. The noble Duke had hinted, that it was far from improbable, that the officers on the spot had refrained from giving information to the Government which they believed would prove disagreeable. It certainly was any thing but a compliment to the officers of the army or navy, who, he believed, were men far too honourable to refrain from giving that information to Government which it was their duty to send, from any such unworthy motives. But it appeared at least, that the persons so supposed by the noble Duke to withhold information from the Government lest it should be displeasing to them, seemed at least very desirous to obtain favour by communicating it to another quarter, where they knew it would prove agreeable. The noble Duke had complained, that Captain Napier had not been yet dismissed, though he gave the Government credit for dismissing Captain Sartorius. But the noble Duke had not taken into consideration that Captain Napier could not be dismissed till the complaint came before the Admiralty in a specific shape. The last act of Captain Napier, of which he had any formal knowledge was, an application made by him to the Admiralty on the 19th of May, requesting to know whether an out-pension which he received from Greenwich Hospital, in consequence of some severe wounds which he had received, would be continued to him, notwithstanding his engaging in active service? The reply made by the Admiralty was, that the pension would not be stopped on the assurance that he was to be engaged only in the active service of his Majesty. With regard to the other officer, Captain Sartorius, he was not dismissed until he had actually been known to tread the quarter-deck of one of Don Pedro's vessels, as a Commander in his service. Now, if it appeared that Captain Napier had gone out to command an expedition on behalf of a Foreign Power, without permission from his Majesty, he had, by so doing, infringed the Orders in Council, and had been guilty of disobedience and breach of discipline, and would be dismissed from his Majesty's service. When the case came before the Admiralty in an authentic manner, he had no doubt they would perform their duty in a manner consistent with the interests of the service. Until the case was so brought before them, the recommendation of the noble Duke, was premature. He did not know, that anything more was necessary from him in answer to what had fallen from the noble Duke, in order to refute the charge, for charge it was—or to prevent the censure, for censure it was, and as censure it was intended by the noble Duke. He trusted that he had sufficiently defended himself, and shown that the Government had done nothing inconsistent with its own character, or the obligations and honour of the country. He had preserved a strict neutrality, without partiality. The noble Duke had adverted to Spain; and, in the first place, he stated there was no doubt that we had broken our engagements with Spain. Now he really thought, it would more have become the high station which the noble Duke held in this country, if he had evinced something more of hesitation on a question which involved, not only the character of his Majesty's Government, but the character of the country itself. In opposition to this charge, he stated most distinctly, that this country had broken no engagement with Spain. He would not retort by saying in what manner Spain had acted; but he did maintain, that he had done all that was necessary to support the honour and integrity of his Majesty's Government. He asserted positively, that this country had given Spain no cause of complaint. He had pursued the line dictated by policy, justice, and duty; and he trusted it would never be said, that during the time he held the high situation which his Majesty had confided to him, that he or any of his colleagues had repaid that confidence by reflecting a stain upon the honour of the country. The noble Duke had said, that the present policy of this country would lead to a civil war in Spain; but which, he asked, was more likely to lead to a civil war in that country, the establishment of Don Miguel or of Donna Maria on the throne of Portugal? He contended that there was more danger of that kind to be anticipated from the success of Don Miguel than from that of Donna Maria. Was not the noble Duke aware that in Spain also there was an appearance of a disputed succession on the death of the present king? Did he not know, that Don Carlos had formally protested his determination to claim the succession in opposition to the king's infant daughter, and that a very large and influential party in Spain favoured his designs. For that, at least, the noble Duke could not say, that the policy of this country was responsible. The noble Duke had said, that if the cause of Donna Maria should be finally successful, it would owe its triumph to foreign troops and mercenaries. This was impossible; for unless Donna Maria were supported by a large majority of the Portuguese people, it was utterly impossible that foreign mercenaries should succeed in placing or in maintaining her on the Throne of Portugal. There had been great exaggeration on this subject. He did not believe the whole of the foreign troops in Don Pedro's service exceeded three thousand, which could not be a third part of those now employed in defence of Oporto; and the noble Duke must know, that the most important points of defence were confided by Don Pedro to native troops. He trusted that he had fully satisfied the House, that the noble Duke had not made out a case for casting blame on his Majesty's Ministers, and he therefore called on their Lordships to give a decided negative to the noble Duke's Motion.

The Earl of *Aberdeen* said, their Lordships had just heard the answer of the noble Earl to the charges which his noble friend had brought against his Majesty's Ministers for having systematically violated treaties and the laws of neutrality; and also for a manifest violation of the laws of nations and of the established laws of this country. Those charges had been brought forward clearly and distinctly, and were founded upon facts which were notorious and irrefragable. So clearly had the case been made out, that he felt called upon to apologize to their Lordships for recurring to propositions the truth of which had been fully established; but, having had occasion frequently to bring the state of Portugal under the notice of their Lordships, he might, perhaps, be allowed to make a few remarks upon a subject which involved so much of British interests. Before he proceeded further, he wished to correct a misapprehension into which the noble Earl had fallen with regard to one point in the noble Duke's speech. His noble friend never attempted to maintain, that this country was bound on all occasions, whether just or unjust, to interfere on behalf of Portugal; but this country was bound by solemn treaties to mediate on behalf of Portugal with any enemy she might have to contend with. This mediation, England was bound to afford whenever the country was called upon by Portugal; and yet what had his Majesty's Ministers done last year to fulfil the obligations of these treaties, when a French fleet had entered the Tagus for the purpose of enforcing certain demands upon Portugal? His Majesty's Government were frequently applied to, and their mediation with the French Government sought for in vain. Notwithstanding the repeated applications made by the Portuguese Government, and made too under the obligations of the Treaty of 1661, and subsequent treaties, there was no answer returned by his Majesty's Ministers until the French fleet had actually left the Tagus; and this neglect was on the part of the Government of this country, which was bound in the words of the Treaty to protect the interests of Portugal by sea and by land, just as we would protect our own interests. It should also be remembered that Portugal did not refuse to give redress to France, but she proposed to go into a settlement of the claim; and yet it was under these circumstances his Majesty's Ministers refused to accede to the just and reasonable request of the Portuguese Government. So much for that part of the subject. Their Lordships would probably recollect that so long ago as December, 1831, when a reinforcement for Donna Maria had sailed from this country, he took the liberty of asking in that House whether it was the intention of his Majesty's Ministers to dispense with the Foreign Enlistment Bill, and was answered by the noble Earl, who said, that he felt it his duty, without reference to the policy of that Act, to enforce its provisions fairly whilst it remained in the Statute Book, and he (the Earl of Aberdeen), having received that assurance, fully relied upon seeing the Act put fairly and impartially into execution.

Earl *Grey* was understood, in explanation, to deny that he had ever pledged himself to enforce the provisions of the Enlistment Bill, particularly in respect to Portugal, or that he had taken upon himself the responsibility of putting it into operation. What he said was, that as long as it remained on the Statute-book it ought to be obeyed by all his Majesty's subjects.

The Earl of *Aberdeen* had a perfect recollection of the words used by the noble Earl, which he took down at the time, and from these expressions he actually inferred that the duty of enforcing the Foreign Enlistment Bill would be undertaken by his Majesty's Ministers. However that was, he now knew that that duty had not been performed. That Act was violated every day, as appeared by statements from all parts of the country. The noble Earl, he believed, had odd notions with regard to newspapers, and he (the Earl of Aberbeen) was quite aware that their statements could not be received as official or authentic; but the noble Earl would probably wish to have it inferred that statements appearing in newspapers were from that circumstance necessarily untrue. This was not the case; and when he found circumstantial details given daily of hostile armaments fitted out in several of the ports of England he could not avoid saying, that he believed those statements unless they were formally contradicted. He, however, would refer to the latest intelligence which he had seen of the last expedition which went to the assistance of Don Pedro. Last week only in a letter, dated the 28th of May, from Falmouth, this information was communicated to the public:—'This 'afternoon the reinforcements for the 'constitutional cause in Portugal left this 'port to join the forces in Oporto. The 'Birmingham steamer sailed with 350 'English troops, under the command of 'Colonel Dodgin; the *Britannia* steamer, 'with 256 volunteers, comprising Poles, 'Germans and French, under the command of General Moura and the Polish 'Colonel Suer; and the *City of Waterford* steamer, with 200 seamen for the 'fleet. The personages accompanying this 'additional force are the Marquess Palmella who proceeds again to Oporto, to enter 'upon the functions of office; Captain 'Napier, C. B., for the purpose of succeeding Admiral Sartorius in the command 'of the squadron, and J. Y. Mendizabel, 'Esq. one of the agents of Don Pedro. 'The presence of the troops in our town 'has occasioned an unusual degree of 'bustle, their appearance was generally 'good, and in point of discipline, they 'appeared to understand the requisites of 'a soldier by strictly observing it. The 'vessels are well stocked with stores and 'provisions—in fact with all the essentials 'of an entire expedition rather than a 'reinforcement. To supply the future 'wants of the army, there are a number 'of vessels about to leave Cork with provisions, so as to prevent their entire dependence on success or speculators. A 'considerable quantity of gold has been 'shipped on board these steamers, which 'is to be solely applicable to the objects 'of the expedition; therefore it may be 'expected that shortly some very decisive 'and efficient blow will be struck.' As the noble Earl was so unacquainted with these matters, he would give him some more information. He would inform the noble Earl of the force which had left this country during the last three months to join Don Pedro. The noble Earl read something like the following list:—On the last day of February the *Lord of the Isles* steamer sailed from Falmouth for Oporto, with 350 English; on March 2nd, the *Britannia* steamer sailed from Deal with 300 English to the same destination; on March 13th, the *St. George* left Gravesend with 400 Frenchmen and other foreigners, who had been brought to this country from Boulogne in the *Wellington* steamer, and were re-shipped at Gravesend; on March 22nd, the *Mercury* left Gravesend with 500 English; on May 4th, the *Lord Cochrane* sailed from Deal with 520 French; on May 4th also, the *William the Fourth* steamer sailed from Rochfort with 600 French; on May 25th, the *Britannia* sailed from Falmouth with 270 foreigners collected from all nations. Then there was the *Birmingham* steamer which took out 350 men, and the *City of Waterford*, to which he had already referred, with 200 English. Other vessels had left the smaller ports of France with 500 men more. There were two battalions now ready to sail from France, which would make the whole expedition of Captain Napier amount to 1,000 men. On the whole there had left the ports of England and France during the last three months no less than 1,750 English, and at least 3,000 foreigners, to join Don Pedro. He included in that statement the last expedition which had sailed under Captain Napier. These things could not be secret. If they were, was the conduct of the Marquess Palmella a secret? Were his interviews at the Foreign Office unknown to the noble Earl? Was Captain Napier's sailing in conjunction with the Marquess a secret? He understood that no secret whatever was made of the expedition—that it was talked of with as much openness and publicity as if it had been an expedition fitted out by our own Government. But there was another case more striking still, it was an ingenious contrivance for adding to the forces of Don Pedro, an account of which he found in *The Globe* of May 14th. It was this:—'Saturday, and several days last week, 'detachments of recruits have been sent 'by the agents of Don Pedro to Gravesend 'to embark on board of the *Lord of the* '*Isles* steamer, lying there, bound for 'Oporto. The men, as soon as received 'on board, are provided with clothing and 'accoutrements. A number of men from 'St. Margaret's and St. Martin's parishes 'have volunteered to enter the service. 'The agents of Don Pedro have engaged 'a brig, lying about fifteen miles below 'Gravesend, to receive troops; and this 'vessel, as well as the *Lord of the Isles*, 'is expected to leave the river for Oporto 'the latter end of the week.' He should like to know if the Secretary of State for the Home Department, in whose department this was, knew anything of this paragraph in the newspaper; had it the least foundation? He had inquired into it, and found certainly that it was at least partly true. It appeared, also, that there was a number of able-bodied paupers from the parishes of St. Margaret and St. Martin who were accompanied on board Don Pedro's vessels by the parish officers, who gave them 10*s*. apiece to get rid of them. There was no affectation even of secrecy here. The noble Lord might refuse to enforce the Foreign Enlistment Act against those persons, but he would ask whether it was right that the parish officers should become crimps to Don Pedro. It was carrying the matter a little too far to make them levy troops for his service. No person could doubt that the Government must have known of this. It had been brought under its notice by the Spanish Ambassador, who had remonstrated against it, but his remonstrance was not attended to. Was this neutrality? The conduct of Ministers was most unfair towards Spain. That country had suffered great injustice, for she had abandoned the right of interference with Portugal in consequence of the solemn pledge given by this Government that it would observe a strict neutrality. Would any man attempt to say, that these expeditions were tolerated, and yet that this country had preserved her neutrality? It was impossible, as was said, that our Constitution should not provide means to prevent such outrages as these. If it did not, it would be a curse to ourselves, and the rest of mankind. If the Jews and jobbers of London could carry on war against a foreign nation—if they could levy troops and send them abroad unchecked to commit robbery and murder—if it were said, that the Constitution of the country did not allow the Government to prevent that, either that Constitution was a curse, or the assertion was a libel on it, for it would make us unable to keep up any peaceable relations with civilized states. But the assertion was not true. That was neither law nor common sense. He believed he should not be contradicted when he stated, that the treaties entered into by this country formed part of the law of the land; and he had the opinion of Lord

Stowell for asserting that it was a violation of treaties and of the laws of nations for a neutral power to allow men and arms to be shipped in her ports for the purpose of aiding either of the belligerents,

Earl *Grey* inquired, if the noble Earl quoted a judgment of Lord Stowell's, or merely referred to a speech delivered in that House, which could not have been reported by the noble and learned Lord himself. The Duke said, that the opinion of Lord Stowell which was quoted, had been delivered in that House, and was not a judgment.

The Earl of *Aberdeen:* Would the noble Earl say, then, that Sir William Scott would give a different opinion in Parliament from that which he would deliver from the Bench? The noble Earl had already eulogised Sir William Scott, not only on account of his talents, but on account of his great and unsullied integrity. To him it was quite immaterial where Lord Stowell had delivered his opinion. That opinion would have the same weight with him whether delivered on the bench or in Parliament. By him, and he was sure by their Lordships, such an opinion would be held in the same high estimation whether delivered in one place or the other. In coming down to the House he was not prepared to hear, that such expeditions as he had referred to could be tolerated without a violation of the laws of nations, or that the Government were not bound in duty to prevent them. He would go further and say, that it was not only the duty of Government to prevent them, but it was the duty of the Government, on this occasion, to give the Spanish government a proof of their sincerity by issuing a Proclamation recalling from Oporto all the British subjects in the service of Don Pedro. This course would have satisfied the Spanish government even though it were ineffectual, but he did not believe it would be ineffectual. But the noble Earl would not issue such a Proclamation, because his wishes were all in favour of interference. His Majesty's Ministers ought to have pursued the course towards Portugal which had been observed towards Turkey at the time of the war in Greece. The Government of that day had done its duty, and published a Proclamation recalling all its subjects from Greece as well as from Turkey. The noble Earl said, such a Proclamation would be of no use because the people were warmly attached to the cause of Don Pedro, but whether a Proclamation were to operate or not, it ought, he contended, to have been issued. It was due to Spain, and if issued would remove all suspicion of insincerity on the part of this Cabinet. The noble Earl had referred to the instructions which had been sent to the British Admiral commanding at Lisbon, in order to show the desire of the Government to preserve neutrality. He did not deny the authenticity of the instructions, nor did he doubt the honour or impartiality of Admiral Parker. He also admitted that upon the receipt of these instructions the British squadron left the Tagus according to the wish of the Portuguese government; but the squadron soon afterwards returned, and was now in military possession of the port of Lisbon. The pretext for that was the murder of the servant of Lord William Russell; but he was not a British subject, and was not exclusively the servant of that noble Lord. The man was a Spaniard, and was a porter at the house where Lord William Russell lodged. If anybody had a right to complain, it was the king of Spain (for the man was his subject) and not the Government of England. That, however, was made the pretext for our fleet resuming military possession of the port of Lisbon. The British forces had no right to be there. He could understand what the sending of an armament meant, if the safety of British subjects was in danger, but he certainly could not admit, that sending out a squadron to intimidate a struggling government was either a just or a warrantable interference, when no injury whatever could be apprehended to the subjects of this realm. In his opinion it would have been much wiser and better policy if, instead of sending a fleet to Portugal, line-of-battle ships had been stationed in the Levant or the Mediterranean to protect our interests in the East. Not a single ship of war belonging to this country was to be found in those seas; and, instead of attending to our own interests, the affairs of the East were left to be settled by the French and Russians. This was not as it should be, nor was it maintaining the honour and character of the English nation as they ought to have been upheld by the Government. But the policy adopted with regard to Portugal was most improper, to say the least of it; and had not our Consul at Lisbon, though invested with no diplomatic character, and possessing no peculiar privileges, but subject, like all other ordinary persons to the laws of the country, assumed to himself the use of language that was unknown to and would hardly be tolerated in any British Ambassador at the court of a friendly State? In fact, he had assumed the language of a Roman Proconsul rather than that of a servant of the English Government. But did his Majesty's Ministers suppose, that this indefinite state of things could much longer continue? So far from finding fault with the recognition of Don Miguel, a noble Lord in another place, (the Chancellor of the Exchequer) had, when a protocol on the subject was under discussion in 1830 declared that his recognition had been too long delayed. The circumstances then and now were, however, different; but it was possible that the same result might have been arrived at sooner. At the period to which he (the Earl of Aberdeen) alluded, there was a difficulty in the way of renewing the relations between the two countries. The cause of the delay he had already explained, and he had now merely to add, that it arose out of the dependence that was placed upon a declaration made by the Brazilian government, that it wished to bring about a satisfactory adjustment of the existing disputes by conciliatory means. It was only when the government was convinced of the duplicity, of the bad faith, of the falsehood, of the Brazilian government in its negotiations on this subject, that the Government could think of avoiding delay. Till that conviction was obtained, they could not recognise Don Miguel. The instant it was found that no dependence was to be placed upon the Brazilian government, his Majesty's Ministers felt convinced, that they could not in justice and in honour allow matters to remain in the situation in which they then were. But now it was understood, that the present government of Portugal was to be driven from Lisbon, and that a new government was to be established there. If he were rightly informed, it was intended to establish a regency on behalf of Queen Donna Maria, with the Marquess of Palmella and a council at its head; and if this was the fact, all he could say was, that such a project clearly evinced an entire ignorance of the state of parties and of public feeling in Portugal. It was idle to suppose, that such an alliance could ever exist; and if the piratical war now carrying on from Oporto were to be successful, it was clear that power would be transferred into the hands of a set of men who had always been the bitterest enemies of this country. They were the same persons who had directed the Revolution, and who had evinced such hostility and insolence as to lead Lord Castlereagh and Mr. Canning to decline holding any communication with them. Nothing was more hopeless, than that such a government, if established in Portugal, should be favourable to the interests of this country; and the only effect it could have, would be to increase the influence of France at the expense of England. As a Portuguese question, the contest would long since have been settled; if not interfered with by others, Don Pedro would have had no chance of success. Don Miguel, as king of Portugal, had no more to fear from domestic hostility than any sovereign of Europe. There had not been an individual of any consequence throughout the kingdom who had joined Don Pedro since he took possession of Oporto. There had not been any disturbance, nor any symptom of dissatisfaction throughout Portugal to show that the government of Don Miguel was not liked. It was indisputably proved, that nine-tenths of the people of Portugal were favourable to Don Miguel. He repeated, therefore, that Don Pedro had no hold of Portugal, and that his cause was only supported by the foreigners, whose services were purchased by gold. There could be no doubt of what the combined arms of England and France could accomplish; but that those men, those patriots, as they were called, could be considered as forming a party in Portugal, he most positively denied. The fact was not so; they constituted no party in that country, and he would defy any man to maintain the proposition. But they were to look at the effects of this contest, not as it regarded Portugal alone, but as it might affect the Continent of Europe generally. The policy of this country ought to have been to unite this kingdom and that of Portugal in the closest bonds of friendship, and that was the object for which the glorious achievements of his noble friend had been accomplished; but had this policy been pursued? The valour of his noble friend had obtained that incalculable advantage, he abolition of the family compact in Spain; but had not the French government lately, in despite or in ignorance of the treaty of 1814, made demands on Spain founded upon the assumed existence of the family compact, which furnished a tolerably accurate specimen of what might be expected from our new ally? But was this the way to treat the Spanish government, or was it commonly politic to inspire that country with distrust, apprehension, and dread, at a period most favourable to the establishment of advantageous relations with Great Britain? It had not only ever been the policy to cultivate the friendly relations with Spain; but he would venture to say, that the period to which these proceedings referred, was an opportunity for establishing the most favourable relations with that country that had ever presented itself to the British Government. Notwithstanding every disposition shown by the enlightened ministry at the head of the Spanish government of late years, and which manifested that there was nothing that was not incompatible with the dignity of that country which might not have been obtained by the English nation, all hopes for such a happy result were now destroyed, and that, too, by a policy in support of a conflict which, even if successful, would prove most hostile to this nation. He would not enter into the case of Holland—it was enough to know that this country, by her policy with reference to that nation, had alienated the affections of the illustrious family presiding over her destinies, and had made the British name a subject of loathing and execration; and he thought that perseverance in the same line would produce a similar effect as regarded Portugal. It was impossible for any man to view the present situation of the relations between this country and Portugal and Holland without feelings of sympathy, and he could not help figuring to himself what must be the feelings of his noble friend near him (the Duke of Wellington), when his noble friend now regarded the condition of those two countries, which he had so long and so anxiously endeavoured to protect from foreign interference, and in which endeavour he was so pre-eminently successful. It was true, that the great achievements of his noble friend would ever remain, and secure to him the permanent gratitude of his country, and the admiration of Europe, and of all mankind; and he could not suppose, that his Majesty's Government could be actuated in their policy by any such abominable feelings as to endeavour to tarnish the glories of his noble friend, or to desecrate the soil upon which those glories had been achieved. If, however, his Majesty's Government had really such an object in view, they could not have adopted a better course to ensure such a result. Whatever the result might be, his noble friend had now endeavoured to protect those nations from the revolutionary feelings supported and encouraged by the Government of this country.

The Marquess of *Lansdown* had but a few words to offer upon the grounds upon which the Government had proceeded in this transaction; but he must, in the first place, observe, that the noble Lord (the Earl of Roden) who had first addressed their Lordships this evening, previous to entering upon the present debate, could not have been admitted into the secret of the intentions of those noble Lords with whom he acted in concert, when he addressed a speech to their Lordships for the purpose of showing how little reliance was to be placed on the statements contained in newspapers, when, on the same evening, a proposition was about to be brought forward by the noble Duke opposite affecting the conduct and character of the administration, founded upon no other authority than newspaper reports. The noble Duke had adopted those reports, for though he talked of papers, he had moved for none, nor had he referred to any official document which would have enabled their Lordships and himself to judge whether the allegations contained in the diurnal reports were justified or not. On such authority the conduct of an hon. officer was assailed, and relying on the solitary dictum of a noble Lord (Lord Stowell), as given, not from the decree of that noble Lord delivered from the seat of justice, but from an unauthenticated newspaper report of a speech delivered in the other House of Parliament. On that authority it was sought to pass a vote of censure upon the present Government. He (Lord Lansdown) had no hesitation whatever in saying, that in every step his Majesty's Government had taken with regard to Portugal they had scrupulously followed the principles of the law of nations, and had in no way interfered in the contest going on in that country that was not conformable to national law and in strict accordance with their duty as Ministers of the Crown. He would not impute to the noble Earl opposite (Lord Aberdeen) anything like favouritism; but if he were to do so, he would say, that the noble Earl had manifested a strong inclination to favour the cause of Don Miguel. Whatever might be his own wish relative to the fate of the conflict, he should neither contend for nor desire anything that was undue or likely to disparage the principles of even-handed justice between the belligerent parties. Beyond justice and what the law of nations required, he would ask for nothing; but he must at the same time be allowed to remark, that, looking at the conduct of Don Miguel not only towards this country but his own subjects, he must say, that he had no right to expect from the English Government anything more than a literal performance of any obligation that might exist between them. But what was the gravamen of the noble Duke's accusation? Was not his speech a sort of *omnium gatherum* of all that had happened during the last two years? His principal charge against the Government was, that a British officer, Captain Napier, had sailed for Portugal at the head of an expedition connected in some way or other with this country. He repeated, that it had been alleged, that this expectation was in some way or other connected with England and France. It had been said, that Admiral Sartorius had been dismissed for similar conduct; and it was asked by the noble Duke, why Captain Napier's name was not also struck from out of the books of the Admiralty? But surely the noble Duke ought to have known, that the dismissal of Admiral Sartorius did not take place until it was known he was engaged in foreign service. No intelligence had as yet been received at the Admiralty, that Captain Napier was so employed, and would it not, therefore, be gross injustice on the part of the Government if they were to dismiss him without having proper grounds for doing so? It had been said, that the Government had interfered improperly in the contest, but all that had been done was, to allow to Don Pedro advantages of which Don Miguel might also have availed himself, namely, to procure in this country such means and assistance as were desirable for him in carrying on the conflict. Both the belligerent parties might have participated in this permission if they had thought fit; and he would defy the noble Lords opposite to point out a single instance in which Don Miguel was deprived of any advantage that was obtained by his opponents. From the statement of the noble Earl opposite it would appear that not only were his Majesty's Government accused of having favoured the cause of Donna Maria, but the overseers of St. Margaret's were likewise implicated in the same conspiracy. If, however, the parish officers of that or any other parish had violated the Foreign Enlistment Act, they were liable to be punished; and would it not have been more consistent to bring them to justice for their offence, if indeed they had committed any, than to have brought forward a motion of this description for censuring the Government by wholesale. The noble Earl had shown a great disposition to view bygone topics. He had alluded to the sailing of the French fleet for Lisbon to enforce reparation for admitted injuries, and talked of mediation; but could the noble Earl really be serious in supposing that the French Government ought to have acceded to mediation, if even it had been attempted? The application for mediation was not, however, made for a week after the French squadron had reached the Tagus; but under such circumstances what advice could one honest Government give to another? What advice could one honest man give to another but that which had been given, namely, that if a party inflicted a gratuitous injury he was bound by every principle of justice to repair it? The invasion of the French on that occasion was limited to the particular object of enforcing reparation for injuries done to French subjects; and would it not be not only absurd but unjust to say, that, because there existed between this country and Portugal certain treaties, therefore England was bound to defend Portugal from the consequences of outrages committed against other countries, or that the injured nation should not have a right to vindicate and protect its own honour and the interests of its subjects? The noble Earl had taken a peep into futurity with respect to Portugal, but he believed the Government which he had formed had no other existence but that which the noble Earl's own apprehensions had created. This regency of his, which was to produce such calamitous effects not only in Portugal and Spain, but throughout the whole world, might answer the views of noble Lords on the other side of the House, but the misfortune of the matter was, that it was a prophecy without the least foundation in truth. The noble Earl was, however, a bold prophet; but if there was any reliance on his predictions, the French army would now have full possession of Belgium.

The Earl of *Aberdeen* begged to say, that he had never entertained any expectation that the French army would have remained in Belgium. On the contrary, he was satisfied that they would not, and had declared as much in his place in that House; so that the noble Marquess was in error.

The Marquess of *Lansdown* said, that such a statement had certainly been made by some noble Lord who usually acted in concert with the noble Earl and other noble Lords sitting on his side of the House. That was now disclaimed, but if his recollection served him correctly, such a prophecy had been made. He could not but express his opinion that the contest between the princes of Portugal was much to be regretted, both with a view to the interests of Portugal, and to the interests of this country. He had also hoped that the state of affairs would have justified this country in recognizing the authority of one party or the other, but the recognition was not to be obtained by undue, unjust, or illegal interference. It was on these grounds that he had hoped that the noble Duke who had brought forward the Motion would have called for specific papers. The noble Duke had not done that, but had come forward with that which amounted to a vote of censure upon his Majesty's Government. It was impossible that the Government could have done otherwise than await the result of the contest (however important that contest might be), and not to interfere between either party, but be prepared to mediate between both. To be able to do so was "a consummation devoutly to be wished;" but he must contend that it would have been unjustifiable in the Government to have deprived Donna Maria of the advantages of her claims to rights admitted by Don Miguel himself. More upon her behalf he did not now ask, and he thought it would be most heartless, unjust, and impolitic in any English Government to stand in the way of them. He must again deny that the Government to which he was attached merited the censure which it had been sought by the noble Duke to pass upon it. Let the noble Duke come forward and call for specific papers to support his charge, and he and his noble friends would be ready to abide by the decision of the House, and the decision of the country.

The Earl of *Eldon* contended, that a gross insult had been offered to the Sovereign; and he should have deemed himself guilty of an unpardonable dereliction of duty to his King if he had not come down to that House to protest against the violation of a neutrality which his Majesty had ordered to be observed, and which was contrary to the express law of the land. It was, he asserted, unlawful to allow subjects of this realm to be enlisted here to serve in a foreign army without the express consent of the Crown; and if he had not declared his opinion he should not have discharged the duty which he owed to his Sovereign and his country. The fact that such a proceeding was going forward was known to every man; and it was the bounden duty of the Government as soon as it became cognizant of the matter to have put a stop to it. It was a breach of the Common-law for subjects of his Majesty to enlist in foreign service when the King's Proclamation declared the neutrality of the State, and he would defy any Attorney General or other competent Law Officer to controvert that maxim. But what became of the Common-law if the overseers of St. Margaret's or any other parish were to be allowed, in the teeth of a Royal Proclamation, to send their paupers into the service of a foreign country? The sale of military stores, it was true, was equally in contravention of the Common-law, but it had been thought necessary for the interests of commerce that the parties supplying a belligerent with stores from this neutral country should not be liable to punishment; but whether the policy which sanctioned such a departure from the Common-law was wise or not, he would not then discuss. The simple question they had to decide was, whether Ministers had a right to come down to that House, not to protect the prerogative of the Crown, but to defend the violation of the actual command of the Sovereign. The fact that men were enlisted in this country for foreign service was notorious—was in short, known to every man in the kingdom; and he must say, that it astonished him to find that Ministers were ignorant of that which every one else was acquainted with. He should not have risen but to vindicate the honour and character of his Sovereign, whose commands had been disregarded by those whose duty it was to see them obeyed; and he could not resume his seat without again declaring that the Common-law had been grossly violated.

The *Lord Chancellor* could not consent to put the question without requesting their Lordships to allow him to call their attention to a few things which had been suggested to his mind by the eloquent address of his noble and learned friend who had just sat down. First, however, he would refer to the venerable and justly venerated legal authority which had been quoted by the noble Duke and the noble Earl. It seemed that what had at first been supposed to be a judgment of Lord Stowell's from the Bench, was in fact only a speech delivered, or supposed to be delivered by him in Parliament. Now, he was as anxious as any one to express his sense of the great talent, of the profound learning, of the unblemished integrity, as a Judge, of Lord Stowell; but, when he descended from the judgment-seat into the arena of political discussion, he would say of Lord Stowell—as he would say of Lord Stowell's nearest relation—that the same weight could not attach to his opinions when delivered in Parliament as when they were delivered from the Bench; and that he could not be so free from the common frailty of men, but that those opinions would derive some colour of bias from his political attachments. But, after all, the question was, whether Lord Stowell had given an opinion materially dissonant from that of his noble friend and himself. He understood that opinion to be, that a neutral state should not afford any succour either to one belligerent or the other. He came to the same conclusion. It was his opinion – it was the opinion of his noble friend. Lord Stowell was speaking of the State, not of the individual. Undoubtedly the State must remain neutral. If it were meant to go further—if it were meant to say, that Lord Stowell asserted it to be a violation of neutrality in a State if any of its individual inhabitants should supply money, arms or ammunition to either of two belligerent powers, then, with the greatest respect for that eminent and venerable person, he begged to make two observations: in the first place, to protect Lord Stowell from the imputation thus attempted to be thrown upon him; and, in the second place, if driven from that position by Lord Stowell's nearest relation, he would take leave to say, that the doctrine alleged was not the doctrine of the law of nations; and he would appeal, from what Lord Stowell had been represented to say in Parliament, to what Lord Stowell would have said from the Bench, if a case for deliberate judgment had been brought before him. His defence of Lord Stowell was, that he doubted, nay, that he disbelieved the accuracy of the report of Lord Stowell's speech. If driven from that, he would then say, that the doctrine of Lord Stowell was not the doctrine of the law of nations. It was a matter of trite law, that it was no violation of the law of nations for a State to permit, with its eyes open (for he would go as far as that), its subjects to trade with belligerents; to sell them arms, ammunition, and accoutrements of war. Individuals, according to the strictest letter of the law of nations, did not involve the State to which they belonged, if they enlisted force, apart from and unconnected with their government or state, on the one or the other side, in the case of belligerents. His noble friend had referred to Vattel, who was not very clear on some points, and whose reputation was certainly greater than he deserved. But let their Lordships consider the instances to which Vattel resorted. He referred to the Switzers, who were allowed, without any breach of neutrality, to hire out their regiments to other powers engaged in war. Vattel laid that down as perfectly justifiable. Bynkershoeck did not go so far. That great publicist, however, stated, that trading in arms, ammunition, and provisions, was no violation of neutrality, if it were carried on with both the contending parties, and if the scale were held equally between them; and he followed up that declaration by saying, that it was the same with respect to the furnishing of men. The noble and learned Lord here read a passage from the works of Bynkershoeck, in confirmation of his statement. He sincerely believed, that if Lord Stowell could happily be there, he would be the last man to throw any doubt on the doctrine with respect to the law of nations, which he (the Lord Chancellor) had maintained, during the American war the country had employed German troops (he was sorry to say), not only against the liberties of the Americans, but against their French allies, and that circumstance was never considered by the French as a breach of neutrality on the part of the prince of Hesse Darmstadt, or any other of the German states. Whether on the part of Don Miguel, the usurper, as he had been termed by the noble Duke himself, or on the part of her majesty Donna Maria, the queen of Portugal and Algarve —a noble Lord seemed to doubt the accuracy of that title, but he (the Lord Chancellor) held in his hand a letter, signed "George R.," addressed to "My dear cousin and sister, her majesty Donna Maria, queen of Portugal and Algarve"—a letter, than which one more fitting, more courteous, or more honourable, either to the writer or to the adviser of it, never existed. Whether, therefore, he repeated, on the part of Don Miguel, who had been called a usurper, or on the part of her majesty Donna Maria, queen of Portugal and Algarve, if his Majesty's Government had interfered, though only with a corporal's guard, or a cock-boat, such interference would undoubtedly have been a violation of neutrality; but his Majesty's Government had cautiously, scrupulously, and perseveringly, abstained from any such interference. If Don Miguel had shown himself utterly devoid of the nature of man, still that should not have induced any statesman to act on a different or partial principle. Some censure had been attempted to be thrown out upon his Majesty's Government; they had been twitted with the imputation of being disposed to suit their conduct to the taste of the day, of being never disposed to act except with a view of courting popularity. Now what was the fact? That they had held on steadily and pertinaciously, and without the deviation of a hair from the course of non-interference; although they knew that hardly a single individual out of Lisbon, out of Don Miguel's camp, but would have rejoiced with a boundless joy had they adopted a different resolution. He begged pardon—he ought to have added—out of that House; for it was but too evident that there were in that House individuals who were far from agreeing with the strong and irrepressible opinions of the country at large. As a further illustration of the difference to which he had already alluded, in the conduct of the same persons acting in a political and in a judicial character, he would refer to the proposition submitted to their Lordships by the noble Duke. If it were imputed to their Lordships, sitting in their judicial capacity, that they were influenced in their decision by any consideration but that connected with the strictest integrity, they would visit the newspaper or any other luckless quarter from which such an imputation might proceed, with the greatest indignation. Yet now the noble Duke called upon them to pass a vote of censure on his Majesty's Government, without grounds, without evidence; an act, which in their judicial capacity they would consider it a libel to suppose it possible they could commit. A noble Earl had said we ought to have mediated between the parties. He had seen enough of mediation to reject it, except in some pressing case; knowing its tendency to put an end to neutrality. The noble Earl (The Earl of Aberdeen) blamed the Government for not having issued a proclamation, commanding his Majesty's subjects not to join Don Pedro. Now, all past experience had satisfied him, that proclamations of that description were seldom or never effectual, and that they only brought disrepute on the Government which put them forward. If it was intended really to make such proclamations effective, they must be followed up by the prosecution and punishment of those who acted in contravention of the proclamation. Now, though the noble and learned Earl (Eldon) had great experience, when a Crown lawyer, in public prosecutions—some of which were successful, and some otherwise—even with the aid of that noble and learned Earl's experience, he (the Lord Chancellor) defied the noble Earl (Aberdeen) to frame an indictment with reasonable chance of success against a person who had declined abandoning the standard of Don Pedro after the proclamation was issued. No Government which had any desire to maintain respect, could have resorted to such a prosecution. The noble Earl also said, that the Spanish government had a right to complain of the Government of England, for not having taken certain steps to prevent deviations from neutrality on the part of the subjects of this country, because we had called upon Spain, by virtue of a treaty into which she had entered with us, to abstain from any interference in the quarrel herself. Therefore, said the noble Earl, Spain had a right to call upon us to do likewise, and to complain of us for having done otherwise. England called upon Spain—to do what? Not to prevent her subjects from sending arms or ammunition in the way of traffic to any belligerent parties in Portugal—not to prevent her subjects from individually enlisting in the service of those belligerents—but we called upon her to withhold her assistance and countenance from either party — England called upon her not to march troops, the troops of the State, to the aid of either party. But it did not follow that because we exhorted Spain to act thus, therefore Spain had a right to call upon us to put in force our Foreign Enlistment Act. That Act was passed in consequence of the treaty of 1814 between Spain and this country; and it was elaborately discussed in both Houses of Parliament. He had proposed it in the House of Commons, where it was contended that we owed it to the faith of the treaty to pass such a measure, and upon that ground it was carried. Admitting that Spain, by virtue of the treaty of 1814, had a right to call upon us to make such a law, he contended that she had no right to demand, that we should put it in force in such an instance as that under consideration. No country had a right; such a thing could not exist; to dictate to another country what municipal laws it should make, and in what manner it should enforce them. The Government was also charged with not detaining vessels, the destination of which was known to them by public rumour. It so happened, that the Government had shown no lack of diligence on this point. Government sent information to the Custom-house, and the Custom-house officers, acting on that information, detained certain vessels intended for Don Pedro. The facts, and the grounds of seizure, were laid before, not only the King's Advocate, but also his Majesty's Attorney and Solicitor General, and their opinion was, that there was no legal case could be made out as against the owners and freighters of the vessels in question—that no successful prosecution could be carried forward, and that the Custom-house officers were liable to actions for the illegal seizure and detention of the vessels. Such being the opinion of the law officers of the Crown, the Government could hardly have done otherwise than it had done; it could not avoid ordering the liberation of those vessels. No one could say, that they should have kept the opinion of the law officers in their pocket, and allowed the Custom-house Commissioners to have rendered themselves liable to civil actions. The only other specific charge against the Government was founded on the non-dismissal of Captain Napier. He ought perhaps to apologise to their Lordships for touching at all on this topic, as it had been already most fully and satisfactorily answered. He would only just put it to their Lordships, therefore, whether the Government would have been justified in dismissing Captain Napier from the service—upon mere gossip—upon rumours picked up in the corners of the streets—or even upon that which noble Lords at the Opposition side of the House, now appeared to consider as the most valuable record — the highest, best, and most irrefragable of all authorities—a paragraph in a newspaper? The case of Captain, now Admiral Sartorius, had been alluded to; and it was asked why had not Captain Napier been dismissed as well as Admiral Sartorius? There was a marked difference, however, in the two cases. There was a correspondence, carried on by Admiral Sartorius, which proved beyond all doubt that he had enlisted in a foreign service; and when the fact was brought home to Captain Napier as it had been to Admiral Sartorius, he the (Lord Chancellor) pledged himself that the Government would act in the same manner in the one instance as in the other, and that Captain Napier's dismissal would follow as a matter of course. It would have been wholly unjustifiable, however, in his Majesty's Government to have dismissed an officer, without any evidence that he had enlisted in a foreign service. When such circumstances as the non-detention of the vessels in the river, and the non-dismissal of Captain Napier, were insisted on in argument, it showed how little substance there was in the charges made against Government, as the two circumstances to which he had just alluded appeared to constitute "the head and front of their offending." One word more on the nature of the address moved by the noble Duke. No one could view that address otherwise than as a vote of censure on his Majesty's Government. If it were adopted with a view of effecting a change in his Majesty's Councils, he admitted that object to be perfectly justifiable. Noble Lords who were prepared to say "content," no doubt felt themselves, actuated by a strong sense of public duty; and nothing could prove more strongly how imperatively they felt themselves actuated by that sense of duty, than the laying hold of this opportunity to effect what was, no doubt, conscientiously considered by many noble Lords a desirable object. It was not in reference to the subject of Portugal, however, he ventured to presume, that many noble Lords would give their votes. They might consider it extremely desirable and beneficial to get rid of a Government which, at this moment, was agitating five or six different questions of great magnitude and importance. Whilst questions relating to the East-India Charter—the Bank Charter—Colonial Slavery—the Commutation of Tithes—Church Reform—Municipal Reform—and all the other Reforms which the Government had pledged themselves to effect—were pending; it might certainly be very important, and no less desirable, in the minds of many noble Lords, to get rid of a Ministry by which such questions were agitated and brought forward. If such a course exposed their Lordships to the imputation of being opposed to all Reform, and to everything like liberal policy, it only showed how strong and imperative must be the sense of duty which impelled them to adopt such a course. Nothing less than the most overwhelming sense of duty, he was convinced, would induce noble Lords, differing upon many subjects, to meet upon one common ground, which afforded them a favourable opportunity of assailing his Majesty's Government. It only remained to be seen whether their Lordships would consent to pass a vote of censure not founded on any facts, and on which they had not before them one tittle of evidence, and had called for none.

Lord *Wynford* was pleased to hear from his noble and learned friend, that Judges might maintain opinions in Parliament which they would not sanction by their authority in Courts. He was glad to hear that; for though he thought he could easily refute the arguments of his noble friend, he knew that it would be extremely difficult for him to overcome the prestige of the high station occupied by his noble and learned friend. The opinion of the Lord Chancellor, delivered, according to his noble friend's expression, in the arena of political debate, was entitled to no more respect than that of any other Peer. That admission might perhaps account for the mistakes that his noble friend had fallen into with respect to the detention of the two ships, and his misconstruction of the Foreign Enlistment Act. His noble friend had warned their Lordships, that this motion of censure was an indirect attempt to remove his Majesty's Ministers from office, and that their Lordships were asked to pronounce judgment without any evidence. The Motion was not one of censure, unless every motion by which it was proposed that this House should state to his Majesty that it did not approve of any particular measure adopted by his Ministers, could be considered as a vote of censure. Such observations had a tendency to prevent free discussion. If they were to be continually repeated, if they were not to express their opinions on every Act of Government, considering only what was for the interest of the country, without regarding the effect on his Majesty's Ministers, it would be better that they should at once close their doors. Attempts were made to prevent noble Lords from deciding impartially on particular questions, by Ministers telling them, that upon the determination of this or that question, however trifling, would depend their continuance in office. He did not wish to remove the Ministers from office, not that he thought the world would stand still if they were to retire; but as to rashly taking a step which was to prevent the renewal of the Bank Charter, ruin the East and West-Indian interests, and prevent the Established Church from being rendered secure from spoliation—without evidence—he asserted that there was evidence which many Statesmen would have thought justified an impeachment; and quite sufficient to determine their Lordships to offer their advice to his Majesty on the measure taken by his Ministers. The facts on which the Motion was founded were known to every man in the kingdom. His noble friend, who said there was no evidence, had not ventured to contradict a single fact which had been stated either by the noble Duke or the noble Baron. There were two questions for their consideration: first, were we bound to observe neutrality? second, had we observed it? The noble Earl (Earl Grey) had admitted that we were bound to observe the strictest neutrality; and only the second question, then remained for discussion. The noble Earl assumed, that the charge against Government was, that their officers had interfered between the hostile parties; and he produced a bundle of instructions to our Admirals, to prove that they were directed to prevent the forces under their command from interfering, in any manner, in the quarrel in Portugal; but it had never been hinted that our army or navy had done anything which amounted to a violation of neutrality. The noble Duke (Wellington) insisted that the Government had permitted individuals to enlist men, and to fit out ships, in this country for the service of Don Pedro, and so openly, and to such an extent, that the Government must have known it; that our municipal laws armed the Government with authority to prevent these things; and that not having enforced the law, it had permitted the neutrality to be broken; and that the permitting acts to be done by British subjects, which amount to a breach of neutrality, rendered the Government responsible to the hostile State that was injured by such acts. His noble friend on the Woolsack said, that Government, although acquainted with the acts done by subjects, although it took no means to prevent them, was not according to the law of nations guilty of a breach of neutrality. He had always thought that, according to the practice of civilized nations, Governments were responsible for acts of their subjects, and for wrongs done by them. The law of nations was to be learned from the conduct of States, and from the correspondence of ministers. During the American war, our Minister complained to the Dutch government of its permitting America to be supplied with contraband stores of war — of permitting Dutch subjects to fit out privateers—and of selling a ship to Paul Jones, and suffering that pirate to refit his vessels in the ports of Holland. These things were not done by the Dutch government, but by its subjects; yet we complained that the permitting such acts, was a breach of neutrality; and we assigned it as one of the causes which justified our making war on Holland. But our municipal law would furnish an answer to his learned friend. His noble and learned friend (the Earl of Eldon), had truly told their Lordships that the enlistment of men for the service of any foreign power engaged in war, was an indictable offence at common law; from the time of James 1st, until the 5th of George 3rd, it was a felony. But why was the enlisting to serve a foreign power engaged in war a misdemeanour at the common law? The reason was given in almost every decided case that was to be found relating to this subject—namely, because such acts were likely to involve this country in war, being breaches of neutrality. Such acts, if known to the Government, and permitted, were breaches of neutrality. The noble Earl had admitted, that the Ministers knew of the fitting out and the stopping of the two ships that were about to sail for Oporto. But, said his learned friend on the Woolsack, it was no breach of neutrality to supply a belligerent State with stores, or with troops, and he quoted Bynkershoeck and Vattel. But admitting, that it was no breach of neutrality to supply stores, he denied that in either of those learned writers there was any authority for supplying men. On the contrary, Vattel, in the very passage to which his learned friend had referred, said, that only particular States could allow men to be sent to a belligerent without violating neutrality. States were not required to sacrifice the interests of their own subjects. If neutrals were prevented from trading with a belligerent State, their commerce would suffer. Some States traffic in men. Great Britain, lowered from the high station to which she was raised by the victories of the noble Duke, was not so degraded as to endure that the Government should permit a few Jews to hire crimps to kidnap its subjects, or parish officers to relieve their parishes from the burthen of maintaining their poor, by sending them to be murdered in a foreign country, and in a cause with which they had no concern. Those who assisted in such practices were accessories to the murder of such of the poor wretches as, having been decoyed by them, might fall in battle, or die of the diseases incident to a campaign. A noble Baron frequently expressed great horror at hearing it stated, that man might have a property in his fellow man. What would that noble Lord say to the wretches who sold their countrymen to be butchered? He never heard of transactions more disgraceful to the British character. If their Lordships permitted these things, let them not cant about the poor negroes; the world would not believe that they felt for those of whom they knew nothing, when they took no pains to prevent the destruction of their fellow subjects and neighbours. The passage which his learned friend quoted from Vattel, only affirmed, that States which usually let out men for hire in foreign wars, and of whose regular traffic such dealings form a part, were permitted to furnish men to a belligerent, without violating neutrality. The learned writer added, that States, not accustomed to let out their troops, could not be suffered to supply men to a belligerent. He must also remind his learned friend of two qualifications of this permission to furnish troops to belligerents by mercenary States, added by Vattel. The troops must not be lent for the invasion of the country of one of the belligerents; secondly, the number must not be so great, that the mercenaries shall constitute the principal part of the force of the State. The mercenaries sent to Portugal were intended for the invasion of Don Miguel's country; and they constituted the greatest part of the force of Don Pedro, the invader. Long ago would the quarrel between these brothers have been settled, Portugal have been at peace, and our commerce with her restored, had not English and French Jews, for their individual advantage, been permitted to send into Portugal all the vagabonds which the distresses and discontents which, unhappily, had lately prevailed in other parts of Europe as well as in England, had enabled them to collect. More than 3,000 (1,700 of them, being English), were, in three months only, sent from this country. The sending of them whether sent by the Government, or by individuals, the Government taking no pains to prevent them being sent—made England equally principal in the war prevailing in the Peninsula. He next came to the case of the two ships detained in the Thames; the release of which was a direct interference of the Government on behalf of Don Pedro, and a violation of the Foreign Enlistment Act. The release was an admission that the detention was illegal, and the parties who ordered it were liable to an action for such illegal act. The conduct of the Government was therefore more likely to provoke an action against the Custom-House officers than shield them from one. The Government interfered in a case, in which such interference was interdicted by the Foreign Enlistment Act. His learned friend was mistaken in the circumstances of these cases, as well as in his construction of the Foreign Enlistment Act. And the officers of the Customs were right and the Government was wrong. His learned friend said, that the Government called the attention of the Commissioners of the Customs to these cases; but his learned friend would find, that it was not the English, but the Portuguese Government that called the attention of the Board of Customs to these ships. The agent of Portugal consulted one of the most eminent men at the English Bar, who perused the affidavits, and said they were sufficient to make out a case for the detention of the ships. Much as he respected the King's Advocate, he must say, that he should rely more on the opinion of the learned Counsel consulted by the Portuguese government than on that of the King's Advocate. The King's Advocate was eminently skilled in the civil and ecclesiastical law, and in the law of nations, but these cases were governed by an Act of Parliament, administered by one of the Courts at Westminster, and with which the Courts of Doctors' Commons, in which the King's Advocate practises, had nothing to do. The Government went to the wrong man to get advice. It was impossible that the learned Gentleman who advised the detention could be mistaken, for he said, that the affidavits were sufficient not only for the detention, but for the condemnation of the ships. All that was required to be proved was, that the ships were equipped as ships of war, or for the purpose of carrying troops, and that they were destined for Don Pedro at Oporto, and that Don Pedro was engaged in a war with Don Miguel, the king of Portugal, the king in his opinion *de jure* as well as *de facto*. The Commissioners of Customs also were satisfied with the affidavits, and on them detained the ships. The Foreign Enlistment Act directed that the cases of ships detained under it should be submitted to the Court of Exchequer, by which Court such cases were to be finally decided and nothing could be more illegal, or arbitrary, than this interference on the part of Government. They prevented the persons who gave information to the Customs from obtaining the share of the proceeds to which they would have been entitled on these ships being confiscated. Was there any precedent for Government interfering to stop a proceeding *in rem* and to prevent those who had instituted such a proceeding from obtaining the fruits of it? The power of stopping the course of justice was a branch of that dispensing power which no Minister of the Crown had since the Revolution, dared to exercise. Why was it exercised on this occasion? To serve Don Pedro, and allow his ships to proceed, without interruption to Oporto? That interference amounted to a breach of neutrality on the part of the Government. The law of nations would be absurd, if it made any distinction between the sending of an armed force by a neutral Government to one of two belligerents, and the suspending the law of the neutral state to prevent a force from being detained, which the Government knew would, as soon as it was released, be sent to the assistance of such belligerent. He would only reply to one other point of his noble and learned friend's speech—namely, his allusion to George 4th's letter to Donna Maria. That letter was begun and ended in the usual style of letters from one Sovereign to another. Donna Maria was, at that time, the destined queen of Portugal. It would be happy for the peace of nations if the fortune of Princes were less changeable than they had lately been. Such changes had since occurred in Portugal as, for the present, had destroyed all this Princess's pretensions to the Crown of Portugal; and England, with regard to her and to Portugal, must be governed by these changes. It was but a few years since, that we acknowledged Charles 10th, as King of France, and William of Nassau as king of the whole kingdom of the Netherlands. We had since recognised Louis Philippe as king of the French, and Leopold as king of Belgium, the larger part of the Netherlands. Why? because the former had been acknowledged by the Legislative Chambers of France, and the latter by those of Belgium. Don Miguel had been declared to be the legitimate sovereign of Portugal by the Cortes—the legislative body of that country—and the whole country had submitted to his authority. Were the question to be decided by the Portuguese, he would not have an enemy, within his dominions. The Prince who opposed him was supported principally, by mercenary foreigners—adventurers collected from every country in Europe. Miguel's claim to the throne of Portugal was supported, not only by the constituted authorities of the Portuguese nation, but by the willing submission, to his rule, of the whole nation. If Don Miguel were not a king *de jure*, as well as *de facto*, there was no king in Europe that was entitled to be considered as a king *de jure*. If he were a usurper, what, he would ask, was Leopold of Belgium? If Don Miguel were a usurper, what, he would ask, was Louis Philippe? He would not refer to other titles, which it might be treasonable in their Lordships to question, though he might say, that the reigning family in this country held their power through the recognition of Parliament, and Don Miguel held his by the same authority—that of the States of Portugal. He should conclude by giving his support to the Motion of his noble friend.

The Duke of *Wellington* wished to make a few observations in reply. The noble Earl had stated, that Don Miguel's usurpation could not have been effected but for the presence of the English troops. Now, the fact was, that the troops were previously withdrawn. They were delayed some time by a right hon. Gentleman, then Ambassador in Lisbon, much to the dissatisfaction of the Government, but the usurpation did not commence till a considerable time after the troops were withdrawn. He considered the course of policy which the noble Earl ought to have adopted was, to discourage the contest of these two princes in Portugal, which could only lead to a contest between extreme opinions throughout the Peninsula; and, certainly, the noble Earl ought not to have suffered the contest to have proceeded to the present extremity. He did not mean to contend, that Don Pedro should have been prevented from invading Portugal in any case, or, if he had done so, by other means than what he called revolutionary means—by armies levied in the streets of London and Paris. If he could have invaded it from Brazil, or from any other country in which he had a footing, or even if he had conducted the invasion by inhabitants of Portugal, then certainly he should not wish for interference. He had complained, further, that when France invaded Portugal with a fleet, whether the demands she put forward were legal or illegal, this country ought, in the first instance, to have endeavoured to prevent a collision. With respect to the opinion of Sir W. Scott, to which he had referred, that was, he maintained, good law. The question of neutrality, he contended, was this, was it right when his Majesty had declared his neutrality that his subjects should not be enforced to adopt the same by his Majesty's Government? This was declared by the highest authorities to be the common law of the country. Nor was this all, for there was further means of preventing interference provided by the Foreign Enlistment Bill. But how had the Administration enforced this law? Not at all: and not only had they not enforced that law, but they had taken measures to prevent its being enforced. The Government actually interfered with the Officers of the Customs, and forced them to give up the vessels, which, they, in execution of their duty, had seized. The noble Earl had referred to the case of a ship which was seized during his administration; but there was a great difference between these two cases, for, in that instance, the English Government did all they possibly could do, to satisfy Spain of their perfect neutrality; whilst, in the present instance, the conduct of the Government had a precisely opposite tendency. The noble Earl said, Spain had no right to complain. Now, he must differ from the noble Earl. The neutrality of Spain was exacted by this country upon the condition of our observing neutrality, and the compact had been broken. How stood the fact with regard to the manner in which Spain had fulfilled her engagements? Not one Spanish soldier had passed the frontier to the assistance of Don Miguel, while from this country from ten to twelve thousand men had from first to last been sent to swell the ranks of Don Pedro, and greatly to endanger the tranquillity of Spain herself. He thought it impossible to say, under the circumstances, that Spain had not a just ground of complaint. He considered that he had distinctly proved his case. The noble Earl said, the Motion was equivalent to a vote of censure; he was sorry the noble Earl regarded it in that light. It was no further a censure than this, that it declared the policy which the noble Earl had pursued in regard to Portugal to be wrong in their Lordships' opinion. If he thought the noble Earl had deserved censure, he should have been ready to declare that, and to ask their Lordships to agree with him in a direct manner. If the noble Earl considered his motion as one of censure, he was sorry for it. The whole tenor of his argument and of the proposed Address was most respectful to the noble Earl—there was not an uncivil word in it. He would not have had the slightest hesitation in moving for a vote of censure, instead of an Address to the Crown, if he had thought the present case one which called for such a course of proceeding.

Earl *Grey* rose to explain. The noble Duke had again repeated the charge of the Government interference with the Commissioners of the Customs, to prevent the execution of the law. He had already answered that by reading the opinions of the law officers of the Crown, and the Government only interfered for the protection of the Custom House Officers because those law officers declared the seizure to be illegal. The noble Duke wished to disclaim anything like an attempt to impute censure. Why, the whole tone of the argument and of the Address was censure—indeed in the Address the noble Duke had used the very word. All the explanation of the noble Duke had not, in his opinion, changed the character of the Motion. The noble Duke said, it was censure no further than as a declaration that the course of foreign policy pursued by him and his colleagues was injurious to our interests, and degrading to the honour of the country. Surely, after such an explanation, he could only consider the affirmation of the Motion as a censure, and as casting no slight stigma on the present Administration.

Their Lordships divided on the Duke of Wellington's Motion Contents 79; Not Contents 69:—Majority 10.

List of the CONTENTS.

DUKES.

Cumberland
Gloucester
Beaufort
Newcastle
Northumberland
Wellington

MARQUESSES.

Salisbury
Bute
Thomond
Exeter
Cholmondeley
Ailesbury
Camden

EARLS.

Abingdon
Orkney
Dartmouth
Delawarr
Bathurst
Norwich (Duke of Gordon)
Beverley
Mansfield
Liverpool
Longford
Wicklow
Belmore
Caledon
Rosslyn
Limerick
Powis
Lonsdale
Verulam
Brownlow
Beauchamp
Eldon

VISCOUNTS.

Sidmouth
Gordon, (Aberdeen)
Beresford

Willoughby de Broke
Colville
Hay, (Kinnoul)
Dynevor
BARONS.
Montague
Gage
Saltersford
Calthorpe
De Dunstanville
Rolle
Bayning
Carbery
Dufferin
Redesdale
Ellenborough
Arden
Sheffield
Manners
Meldrum
Colchester
Clanbrassil, (Roden)
Ravensworth
Delamere
Forrester
Bexley
Penshurst (Strangford)
Feversham
Lyndhurst
Melros
Stuart de Rothsay
Wallace
Wynford
Coventry
Northwick
BISHOPS.
Bath and Wells
Bristol
Gloucester
Rochester
St. David's
Ossory
Exeter
TELLER.
Lord Kenyon
PAIRED OFF.
Earl Malmsebury
Duke of Rutland

List of the NOT CONTENTS.

Lord Chancellor
DUKES.
Sussex
Somerset
Richmond
Cleveland
MARQUESSES.
Lansdown
Northampton
Westminster
Westmeath
EARLS.
Shrewsbury
Huntingdon
Suffolk
Thanet
Tankerville
Hillsborough
Albemarle
Oxford
Cornwallis
Radnor
Cadogan
Chichester
Gosford
Grey
Morley
Amherst
Ripon
Granville
VISCOUNTS.
St. Vincent
Melbourne
BARONS.
Dacre
Stourton
Berners
Paget
Howard of Effingham
Petre
Dormer
Stafford
Byron
Howland
Gower
Holland
Sundridge
Foley
Suffield
Lyttleton
Dundas
Lilford
Dunally
Barham
Clements
Gardner
Lynedock
Hill
Minster
Somerhill (Clanricarde)
Fife
Rosebery
Sefton
Chaworth (Earl of Meath)
Howden
Panmure
Poltimore
Wenlock
Segrave
Templemore
Dinorben
Cloncurry
BISHOP.
Chichester
TELLER.
Lord Auckland
PAIRED OFF.
Earl Durham
Earl Carlisle

HOUSE OF COMMONS,

Monday, June 3, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. RONAYNE, an Account of the Estates belonging to the Endowed School of Clonmel, the Names of the Tenants occupying them, and on what terms, and the Number of Persons Educated on that Foundation, during the last twenty years.—On the Motion of Mr. HODGSON, an Account of the Number of Bonding Warehouses in the several Ports of Great Britain and Ireland, entitled to that Privilege by Act of Parliament; of the Number Licensed by Order of the Lords of the Treasury, &c.—On the Motion of Mr. HALL, an Account of the Annual Amount of Money received as Tonnage levied on Vessels under Acts passed in the 31st, 36th, and 44th years of the Reign of his Late Majesty George 3rd, by the Trustees of the Mumbles Lighthouse, in the County of Glamorgan, and the Expense incurred by Collecting it for each year to the latest possible period.

Bill. Read a third time:—Starch Duties.

Petitions presented. By Lord NORREYS, from the Clergy of Oxford, and Sir ROBERT INGLIS, from the Clergy of Rochester,—against the Irish Church Temporalities Bill.—By Mr. LESTER, from Poole, against the House and Window Taxes.—By Mr. R. WALLACE, from Greenock, for the Repeal of the Duty on Stamps for Receipts; from Leslie, for Disbanding the Fife Yeomanry; from Glasgow, against the Irish Disturbances Bill; from the Scotch Metropolitan Political Union, for Poor Laws to Ireland; from several Places, for Amending the Law of Scotland; and from the Hand-loom Weavers of Paisley, and other Places, for a Board of Trade.—By Mr. HALL, from several Places, for an Improvement in the Church Establishment of Wales.—By Mr. FINCH, from the Irish Society of London, for having the Church Service Performed in the Irish Language where that is generally spoken.—By Sir JOHN HANMER, from the Clergy of Salop, for a Repeal of the Sale of Beer Act.—By Mr. HALLYBURTON, and Mr. R. OSWALD, from several Places, for altering the present System of Church Patronage in Scotland.—By Mr. BROTHERTON, from Salford, for a Reduction of Taxation.—By Sir GREY SKIPWITH, from Kenilworth, for a Repeal of the Duties on Malt and Hops.—By Colonel LYGON, from Worcester, for Inquiry and Relief to the Agricultural Interest.—By Lord GEORGE LENNOX, from Littlehampton and Climping; and by an HON. MEMBER, from Ipswich, in favour of the Sea Apprentices Bill.—By Messrs. PRINGLE, DUNLOP, and R. FERGUSSON, from several Places, for Alterations in the Royal Burghs (Scotland) Bill.—By Mr. DUNLOP, from Kilmarnock, against the Soap Duty.—By Mr. W. STEWART, in favour of the Factories' Regulation Bill.—By Lord NORREYS, and Messrs. WILKS, DUNLOP, and M. ATTWOOD, from several Places,—for the Better Observance of the Lord's Day.—By Lord PALMERSTON, Lord NORREYS, General SHARPE, Major HANDLEY, and Messrs. SHAWE, WILKS, BROTHERTON, A. PELHAM, R. FERGUSSON, and LAMBERT, from a Number of Places,—against Slavery.—By Mr. WILKS, from Boston, against the Repeal of the Sale of Beer Act; from the same Place, in favour of the Jewish Civil Disabilities Bill; and from several Dissenting Congregations of Guisborough, for Redress of their Grievances.—By Mr. C. FITZSIMON, from several Places, for a Repeal of the Union with Ireland.—By Mr. W. STEWART, and Sir W. INGILBY, from several Places,—against the Malt Duty.—By Sir W. INGILBY, from the Directors of the Louth Savings Bank, against the Savings Bank Annuities Bill.—By Mr. GOULBURN, from the Clergy of Winchester, against the Irish Church Temporalities Bill.

WELCH CHURCH.] Mr. *Hall* said, he had a Petition, of rather a novel description, intrusted to him. It prayed for an alteration with regard to the Church Establishment in Wales; and in presenting it to the House, and declaring that it had his warm support, he felt it to be his duty to say a few words upon its prayer, and to request the attention of the House to the principal points contained in it. The grievances complained of were those which were common to nearly the whole of Wales and which had been slightly touched upon in that and another place; but, besides the duty which devolved upon him of particularizing the distresses of those persons belonging to the same diocese as himself, he considered this petition well worthy of notice, because it not only proved the declining state of the Welch Church, but it prayed for a remedy, at once simple and self-evident, and which, if applied in time, might tend to prevent the total destruction of the Church Establishment in the Principality. It prayed, that all incumbents, from the Bishop downwards, might be henceforth selected from persons conversant with the language of the country. He was well aware that this was not a proper period for entering into a discussion upon the state of the Established Church generally; but it might be right for him to comment upon the state of the different parishes named in the petition, in which, from local knowledge, he was enabled to declare that he considered the cause of the Established Church to have materially suffered from the appointment of ministers ignorant of the language of the country; from the great disproportion between the population of the parishes and the number of resident Welch pastors; and finally, from the benefices being, with few exceptions, conferred upon non-residents, which was not only injurious to the interests of the Church, but was unjust and disheartening to the natives, amongst whom were men of learning and piety, and capable of filling, with honour and credit, the various ranks of ecclesiastical preferment. He would only cite two instances, named in the petition, in order to prove, that the Established Church was little more than a name in those parishes; as in one, containing a population of above 3,000, only 240 attended divine worship in the church and chapel, whilst, in the other, having a population of 8,000, only 100, according to a calculation lately made, frequented the church. There being two Welch curates having the charge of these 11,000 souls, one of whom had to perform duty in another populous parish adjoining. He would not take up the time of the House by commenting on the miserable stipends paid to those valuable members of society, the Welch curates; but trusted he had said enough to convince every unprejudiced mind that it was not an unreasonable boon for the Welch to expect to have the preferment conferred solely, for the future, upon those who understood the language of the country. The inhabitants would not renounce their language, and it would be well to prevent them from renouncing their church entirely, and adhering to the tenets of those who consoled them in sorrow, comforted them in sickness, and prayed with them in affliction, in the language which they best understood. As some remarks had been made, that petitions of this description were directed against the right reverend Prelates at the head of the Welch dioceses, he thought it right to mention, before he sat down, that no such feeling existed in the bosoms of the petitioners. For his own part, he entertained the greatest respect for the high classical attainments and deep learning of the present Bishop of Llandaff, and acknowledged with due feeling, the charitable and liberal assistance which he had so often rendered to the distresses of the clergy; but, at the same time, it was not possible for an English Bishop to do that justice to a Welch diocese which was expected by the natives. The petitioners hoped that they might in future have those preferments conferred upon natives only. They desired not to dispossess present incumbents of their benefices, but they wished, that instead of constant translation, their own countrymen should live and die in the same diocese; and with regard more particularly to the second order of clergy, they hoped that, during the lives of non-resident Englishmen, there might be an increase in the number of curates, with better salaries for their support.

Sir *John Hanmer* said, that the inability of the Welch clergymen to discharge their duties had been very much exaggerated.

Mr. *Jervis* observed, that it was a cause of great complaint, and, in his opinion, a very just one, that clergymen who held the principal livings in Wales were not sufficiently acquainted with the language of the country to administer that spiritual consolation to their parishioners which they required and expected. They might know enough of the language to be able to go through the service in the pulpit, but they did not know enough to converse with their parishioners, and give them religious assistance at their own houses.

Petition to lie on the Table.

RELATIONS WITH PORTUGAL.] Colonel *Evans* said, that before the House resolved itself into a Committee upon the Order of the Day, he felt it his duty to put a question to the noble Lord upon the state of the kingdom of Portugal, and of the political relations between Great Britain and that country. It must be in the recollection of the House that six or seven years ago Don Miguel had rebelled against his father, the sovereign of Portugal, who had been obliged to fly for safety and to take refuge on board of an English ship of war then lying in the Tagus. In consequence of this he had been enabled to recover his power, and Don Miguel had applied for leave to go into exile to Vienna. On the death of Don John, the father of Don Miguel, the title of Don Pedro was acquiesced in by the kingdom, and to that acquiescence he believed, that no sort of disagreement was intimated by any of the powers of Europe. Don Pedro, in consequence of his situation in the Brazils, had abdicated, conditionally, his right to the succession to the throne, on the understanding that his daughter Donna Maria should succeed him. In that conditional abdication all the Powers of Europe had acquiesced, and a Regency had been established on the basis of it. One of the princesses of the royal family of Portugal had been appointed to that office, and, upon an understanding between the different Courts of Europe, Don Miguel had come over to England, and had pledged himself to support the rights of his niece and uphold the Constitution, and upon faith in those pledges he had been allowed to return to Portugal. A body of English troops was then in Lisbon, under orders to embark for England, but a private order was given to the commanding officer that, whatever might take place, under any circumstances whatever, the royal family was to be protected. Don Miguel availed himself of this, and shortly after his return, while the British troops were yet at Lisbon, he overthrew that constitution which he had so solemnly sworn to defend both in London, Vienna, and Lisbon. This conduct had been denounced by different Courts, and Don Miguel had been referred to by this Government and the past Government of England as a perjured usurper; and spoken of in every term of opprobrium. The usurpation of Don Miguel had not been acknowledged by any Power, and Donna Maria had not only been treated by the European Courts as the Queen of all Portugal *de jure*, but as the Queen *de facto* of a part of Portugal, as well as of the Azores and of the seas of Portugal. He had hitherto abstained, upon grounds of expediency, from putting any question to his Majesty's Ministers on this subject, in consequence of the distressing state of the relations with Belgium. Now, he was glad to say, that a treaty had been most satisfactorily entered into by Government, and this relieved him from any embarrassment upon the subject of questioning Ministers upon the matter of Portugal. He trusted that the noble Lord, whom he saw in his place (Lord Palmerston), would put the House into possession of some information upon a subject of such great importance to the country. Both in a political point of view, and with respect to the commercial interests of the community, it was of the highest consequence that the connexion between Great Britain and Portugal should be restored, and that the rights of Donna Maria should be recognized. He wished to know if those rights had been duly recognized by the Court of England and by the different Courts of Europe.

Viscount *Palmerston* said, that he should not answer in detail several of the points of the hon. Gentleman's speech, because they were well known to the House already. He was well aware that the suspension of relations between England and Portugal, and the present condition of the latter country, must be attended with very great inconvenience and positive injury to the mercantile interests of Great Britain. He could only say, that his Majesty's Ministers wished that the day might speedily arrive when the large body of the merchants and manufacturers might be relieved from the inconvenience which they at present suffered. The House well knew, that Donna Maria had been acknowledged as queen of Portugal *de jure*, not by the present Administration, but by the Administration which they had succeeded, and that a correspondence had taken place on the subject between the Duke of Wellington and Donna Maria's ministers, the Marquess Barbacena and the Marquess Palmella, in which Donna Maria had been recognized, *de jure*, as queen of Portugal. But the nature of the hon. Member's question went less to the recognition of the right than to ascertain whether his Majesty's Ministers were prepared to take measures to seat Donna Maria on the throne. As soon as she had established herself in her dominions the British Government was ready to acknowledge her; but his Majesty's Ministers had not yet seen any reason to induce them to depart from that line of strict neutrality which they had adopted from the first, and which they had rigidly observed throughout the contest. With respect to the other branch of the question the House would see that, although Donna Maria's authority was acknowledged throughout the Azores, in a part of Portugal, and in the Portuguese seas, it could not be said that her possession of only those parts of her dominions made her, in point of fact, the reigning sovereign of Portugal. Whenever events should place her in that situation it would follow, as a matter of course, that those powers which had recognized her rights *de jure* should recognize her right *de facto*.

Factories Commission.] Lord *Ashley*, before the House resolved itself into a Committee, wished to make a few observations upon the bad faith of his Majesty's Ministers with respect to what had been the understanding of the House in relation to the appointment of the Factory Commission, and of laying a copy of their instructions before the House. It had been promised, that a Return of the names of the Commissioners, with a copy of the instructions under which they acted, should be laid on the Table, in order that the House might have an opportunity of objecting to either should it see cause. He did not mean to say, that he should have objected to any of the Commissioners, but against some of the instructions, he should undoubtedly have protested; and he should have appealed to the House whether it was not clearly understood that there was to be a fair and open examination of the operatives, and that every word uttered should be taken down by a short-hand writer. The instructions had not been laid on the Table of the House three weeks after the Commission had been voted, and six weeks after they had been promised. He appealed to the noble Lord, who was a just and honest man, whether it was fair that the evidence of any man (and he spoke from knowledge, because one man had been examined) should be taken in private, and kept secret. The evidence had not been taken down by a short-hand writer. He had a right to expect, that the whole testimony should be laid on the Table of the House, and, if this were not done, he for one would protest against all the evidence of every individual which was calculated to affect the evidence which had already been taken before the Committee of the House. Did the noble Lord think it right to exclude the short-hand writer, or did he think that the House would attach the smallest weight to evidence collected under all the suspicions which belong to secret proceedings?

Lord *Althorp* conceived, that it was the duty of the Commissioners to have the evidence taken correctly, and laid on the Table of that House. With reference to the other parts of the question, in the present excited state of the country, he thought that objections might be made to the publicity of examinations, although it was the duty of the Commissioners to select men perfectly competent to take down the evidence they received. It had been the sense of the House, that impartial persons should be sent to ascertain the state of the children in the manufacturing districts. He had certainly forgot to lay the instructions before the House, but they were very full, and consistent with what had been the understanding of the House. It was the wish of Ministers, that the examination should be a fair *bonâ fide* examination.

Lord *Stormont* said, that it was well known that the evidence of one man had already been taken, and that it had not been given in the presence of any short-hand writer. The whole of the evidence already taken, or which might be taken in a similar manner, would go for nothing.

Lord *Ashley* would speak from the documents, a copy of which had appeared in the newspapers. There was a letter from Mr. Drinkwater, in which he positively objected to the presence of a short-hand writer; and if this were his instructions from the head Commissioners in London, he should protest against the whole evidence.

Mr. *Robinson* thought it was the duty of Ministers to see that the Commissioners were pursuing that course which would lead to a satisfactory result. As this was a Secret Commission, and intended to conflict with proceedings of the Committee of that House, the public mind would never be satisfied that the Commission was fair and honest. If the Commissioners were to make a report adverse to the opinion of the Committee, the House would be involved in a mass of contradictory evidence, when it came to legislate on the subject, and the public mind would not be satisfied that the question had been fairly dealt with. He feared that no Report would be made by the

Commissioners in time to legislate on the question, and he protested against the doctrine, that it was not the duty of Ministers to see that the Commissioners were pursuing a course that could lead to a satisfactory result.

Mr. *Matthias Attwood* complained of the delay in the proceedings. The Commissioners had declared, that they would proceed in the manner of the Judges in taking their own notes, and the noble Lord could not pretend that that was a method calculated to satisfy any honourable mind. The Commission had been appointed, on an understanding that the inquiry should be available to the purposes of the Bill to be carried through Parliament in the present Session. Such was the understanding expressed in the Resolutions to which the House had come. If Ministers had not made this principle the foundation of all their proceedings, they had not acted with good faith towards the House. The instructions to the Commissioners had nothing in them of a nature to make the inquiries available to legislation before the end of the Session. It would be the duty of the House, on the 17th of June, to proceed as if the Commission never had existed.

Lord *Ashley* said, he was empowered by the operatives of Lancashire, the West Riding of Yorkshire, and of Scotland, to say, that it was their wish that publicity should be given to their evidence. Although publicity might be injurious to one or two individuals, it would be beneficial to the general body. He had just as much right to say, that he was empowered to speak the sense of the operatives, as any hon. Members had a right to say, that they were empowered to speak by their constituents. Delegates had been sent to him from the manufacturing districts on the subject, and they had been as fairly elected as any Member had been by any constituency.

Sir *George Phillips* protested against the noble Lord styling himself the Representative of the operatives. If the Commissioners adopted an open examination, the objects of the Commission would be defeated. The Commissioners, in his opinion, were taking the right way to learn the state and condition of the operative classes, and their object was, to terminate their inquiries as soon as possible.

Mr. *O'Connell* said, that the inquiry before the Committee had been at the desire of the operatives, and they had wished for no concealment or secrecy. The present inquiry was at the desire of the masters, and now the plan was to take evidence in secret. The bad faith of the proceeding was obvious.

Lord *Ashley* had no intention to take upon himself a power which he did not in reality possess. All he had stated was, that on this question, and on this alone, the operatives had intrusted their case into his hands. When he had said, that he was empowered to demand an open examination by the delegates, he alluded to the fact, that four delegates were in London who had been elected (the vote having been taken by universal suffrage) by the operatives of the West Riding of Yorkshire, and of Lancashire; and they having intrusted their case to his care, he was entitled to say, that he was as much the Representative of the operatives as any Member of that House was the Representative of his constituency.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.] The House resolved itself into a Committee on the subject of Colonial Slavery.

Mr. *O'Connell* commenced by assuring the Committee of his desire to state his sentiments with as much brevity as possible. The subject, however, on which he was about to address the Committee, was one, the importance of which it was difficult to describe, and perhaps impossible to exaggerate. They were called upon to decide between the freedom, or the continued slavery of 800,000 of their fellow-creatures. The question also embraced, in a greater or less degree, the pecuniary interests of at least 2,000,000 of the King's subjects. The House was now called upon to act under a most awful responsibility, and it therefore became a matter of the highest importance, that they should understand the precise position in which they stood, and in which the question stood at the present moment. One feature of the present state of the question was, the abolition of slavery was demanded by the almost unanimous voice of the whole country. The annals of Parliament scarcely furnished an instance in which so many petitions were presented from so many different petitioners. By the last Report of the Committee on Public Petitions, it appeared that 1,200,000 signatures had been affixed to petitions against slavery; and since that Report was made, he had no doubt that the number had been increased to a million and a half—yes, a million and a half of their fellow-subjects in this quarter of the world had called upon them to liberate their brethren at the other side of the Atlantic, and to put an end to negro slavery for ever. There could not be a more complete expression of public opinion than those petitions presented—they were signed by persons in every grade, and of every age, and of every class; and both sexes united in demanding, that slavery should be put an end to throughout the territories of this nation. Some persons had been found to attempt to cast ridicule upon the petitions to which he had been alluding, on the score of their having been signed chiefly by females. He would say—and he cared not who the person was of whom he said it—he would say, that that person had had the audacity to taunt the maids and matrons of England with the offence of demanding that their fellow-subjects in another clime should be emancipated. He would say nothing of the bad taste and the bad feeling which such a taunt betrayed—he would merely confine himself to the expression of an opinion, in which he was sure that every Member of that House would concur with him, namely, that if ever the females had a right to interfere, it was upon that occasion. Assuredly, the crying grievance of slavery must have sunk deep into the hearts, and strongly excited the feelings of the British nation, before the females of this country could have laid aside the retiredness of their character to come forward and interfere in political matters. Never had there been so much reason for their doing so—had there been no instance but that one case, in which thirty-nine lashes were inflicted upon a naked female for an offence of no very aggravated nature, if she were guilty at all, and those thirty-nine lashes repeated, merely because she presumed to say that she had not deserved such treatment. That was the wanton cruelty of a ruffian at the other side of the Atlantic; and he hesitated not to say, that the man, whoever he might be, who had taunted the females of Great Britain with having petitioned Parliament—the man who could do that, was almost as great a ruffian as the wielder of the cart-whip, which gave occasion to that interference. He would again call their attention to the position in which the question stood. The first fact was, that the people of England desired the emancipation of the negroes. The second of these important facts was, that the Government had agreed to emancipation. And the third was, (and of all it was the most important) that even those who had hitherto been opposed to emancipation, now acknowledged its necessity. The Committee had listened to the speeches, on the first night of the present debate, of the right hon. Secretary for the Colonies, and the late Under Secretary for the Colonies. He had subsequently read the report of the right hon. Secretary's speech, and he was glad to trace there the identical words used by him in the House. The noble Lord, he was happy to see, had published his speech under his own sanction. Now, the statements of both right hon. persons proved indubitably the case of the anti-slavery advocates, of whom he was proud to acknowledge himself a humble supporter, and thus the satisfactory truth would now appear on the records of Parliament, that the Secretaries for the Colonies were witnesses to the truth of that cause to which the slavery abolitionists were devoted. The way in which he came at the evidence on the subject of slavery was this: here on the one side was the testimony before the Committee of that House relative to the condition of the slave population; and then, on the other hand, the owners of what was alleged to be 165 millions of money, were pledged to disprove that evidence. Had they done so? They had certainly contradicted the most flagrant of the statements made against the planters; but had they disproved them? The statements—founded on evidence, as he could not but believe, for the Committee had elicited evidence—the statements of the right hon. Secretary for the Colonies, had been assailed, as was believed, by the assailants, in three of their most vulnerable points. The first attack was upon his assertion relative to the peremptory power of the planter to give his slave thirty-nine lashes without reference to any authority than that of his overseer. The next was a denial that the Colonial Legislature had done nothing since 1823, when Mr. Canning's resolutions passed a Committee of that House. And the other ground of attack was the total repudiation of his assertion with respect to the mortality of the negroes in the sugar plantations. How stood the first? The case of Henry Williams would be a full and sufficient proof of the fact, that the horrible and tyrannical power possessed by the planters, of inflicting at once thirty-nine lashes, was yet in full force The slave, Henry Williams, was convicted, in his owner's mind, of attending an Independent meeting-house, and he was punished by thirty-nine articles [*Immense laughter.*] He had been happy and unhappy in his mistake; he meant thirty-nine lashes were inflicted upon this human being, because he attended an establishment not countenanced by that which was based on the thirty-nine articles. Well, he was laid down, tied fast, and lashed, and his sister, with true fraternal affection, sighed to see a man, her brother, thus degraded. Her sigh reached the ear of the planter, her owner, and he instantly exercised the power of brute force with which he was endowed, and exposed her naked back to the same number of lashes. Did any one ask for proofs? Let him refer them to Lord Goderich's despatch. There the circumstances were stated, and from that official document were his assertions drawn. So much for the first attack on the right hon. Secretary's statement. And now for the second. It was denied that the Colonial Legislature had done nothing towards bettering the condition of the negroes since 1823. He need do no more than refer the Committee to the speech of the right hon. Gentleman for a triumphant refutation of this assertion; and as for the declaration, that the negro population was under an extraordinary ratio of decrease compared with that of other countries, he would only state the fact, that, taking the average of deaths in England and the West Indies, he found, that in every 1,720 persons, there were sixty-five deaths in the West Indies to thirty-one in England. Those were facts which no man would deny, and every Member who seemed to advocate the views of what were called the West-India body, from the hon. Baronet, the member for Bristol, to the member for Kidderminster, all agreed that not only must slavery be abolished, but that the time had arrived for that abolition. The negroes, no doubt, would be made aware of the fact, that such had been the unanimous decision of the British Parliament, and of the British nation, and the only real danger in the matter would be to palter with their feelings, and trifle with death and destruction. For himself, if the House sat till Christmas, he was ready to go through with it, because the Parliament was required to wash the stain of slavery away. Indeed he was willing to postpone all other business whatever, in order to get through this most momentous struggle. The case of St. Domingo presented an awful example of the danger of delay. He would not detain the House by going into the details of that case, which had been already touched upon by more than one speaker, but he could not avoid referring to it as one which presented to them an awful warning. The first step which led to some of the calamitous events in that colony was the declaration of the National Assembly, that the slave population was free, and then the attempt to palter and go back from that declaration. There were three conflicting parties on the island, the Catholics, the Royalists, and the Republicans. The Catholic priesthood were so incensed against the infidel Republicans, that they, one and all, roused up a spirit of insurrection, and led the slaves forth to fight against their masters. That was a curious historical fact. It was, in fact, the whites alone who caused the dreadful scenes which subsequently occurred in the island. The British Government sent over an army, and there were three years of bloody war, of which the British army were the greatest victims. Who put an end to that war? A slave, Toussaint, one of the greatest and most humane men that ever lived, who restored as many whites as possible to their estates. Napoleon, in his madness for colonies, sent an army of 18,000 men to reconquer St. Domingo, and that army devastated the country. In 1826 the French government acknowledged their independence, and they have since doubled in population, and fast increased in civilization. He had heard some hint thrown out, that if the slaves were emancipated, they would spend their time in lascivious idleness. Every thing which experience had shown went to prove, that this imputation was unfounded; they had shown as much disposition to industrious exertion as any other set of men. Need he go beyond St. Domingo for proofs? The leader of the opposition there was a pure negro, a practising barrister, and a man of considerable ability. Some of the most important offices in that colony were ably filled by pure negroes, or men of colour; and he might add, that the best work on botany was written in that colony by a pure negro. They should not judge of the negro by what they found him in a state of slavery; let them look at what he was capable of doing, and what he had done, when in the full enjoyment of freedom. When such was the negro character, why should he be hampered with the unnecessary restrictions of the right hon. Secretary for the colonies? He was fit for freedom, or he was not, and he considered that the main question was, and the reason why he should oppose the Resolution of the right hon. Secretary was, that he thought the House ought to divide on the grand point of slavery or no slavery. The time for temporising was too late, and this probationary period, now at length proposed, ought to have begun ten years ago, when Mr. Canning's Resolutions were passed. It was his opinion that the men who showed that they could bear slavery, most assuredly afforded a very strong presumption that they could bear freedom. With respect to three-fourths of the negro's time being given to the planter, and one-fourth allowed to the negro, it was in human nature probable that the planter would make as much use of the time allowed to him as possible, that he would make every effort to make it valuable, and endeavour that the period of one-fourth allowed to the negro should be of as little use to the negro as possible. There was certainly a novelty in the right hon. Gentleman's plan —it introduced a new state of society. There had been nations of hunters, and of shepherds, and of agriculturists, and of masters and slaves; but never before had they heard of a nation of masters and apprentices. An old woman of eighty was to become an apprentice, and she was to be told that if she lived till ninety-two, she would be out of her time, and might commence a life of gaiety and jollity on her own account. They were to send out stipendiary Magistrates to compel the negroes to work— it would be more wise to call in the police to scold and punish the servants in every house in London. It could not be even tried without ridicule, or something worse. It would do nothing more than cause continued irritation and quarrelling between the negro and the master; it would mitigate no single evil; but, on the contrary, would increase ten-fold the difficulties of the planter. What would be the feeling of the slave during his period of absence from labour? What would he say when he understood that he was free for one-fourth of his time, and that he was compelled to labour three-fourths of the day for his master? In what way would he be compelled to labour for his master three-fourths of the day? Not by the lash, surely, for that was no longer to be used. The plan was, that stipendiary Magistrates were to be sent out, and these Magistrates were to watch over the working of 325,000 negroes, in Jamaica for example, where there was more than that number during five days of the week! Nothing could be more ridiculous than such a plan. In every point—in point of theory and of operation, it was decidedly bad. There was but one scheme to be pursued—the only one that could succeed—and that was, first the liberation of the negro, and then, when that was done, let the planter's case be taken into consideration. He would call, therefore, on Ministers to abandon their impracticable scheme of apprenticeship—a scheme as yet untried by experience—the consequence of which would be ridicule, if it were not attended by something worse and more serious. What could be intended by that part of the measure—was it for the sake of economy? If so, it would fail, for he maintained that in every state and clime free labour was proved to be in the end cheaper than forced or slave labour. When he proposed the entire liberation of the negro, he did not seek to take away from the planter any one thing that was his legitimate property—he did not seek to take away his plantations, his lands, his houses or anything that was his—what he proposed to take away was the negro, as he was not the property of the planter. He said emancipate the slave first, and then if the planter had a claim for compensation hear him. He thought he had no claim, because the abolition would be a great benefit to him, by giving him security. With respect to a provision for the old age of the negro, he would not advise exactly Poor-laws, though what he was disposed to advise was something like them, since he thought, that the aged slave should be recompensed for the amount of labour performed when he was capable of working. If the negro became an idler, let him share the fate of the idler—let him perish. His own opinions were fortified by the statements of Mr. Jeremie, who, in his work, showed that negroes would work without compulsion when freed and left to themselves. It was proved by Dr. Clarke who was an unwilling witness, that Sir Charles Price, by emancipating the best negro on his estate every year, greatly increased the value of his property, so great was the effect of the hope of procuring emancipation. And that was in Jamaica. In several instances when emancipated, they had established manufactories and worked for themselves, actuated by the same motives as European artizans. In Antigua, no less than 407 captured negroes had been liberated in 1827, and the result was, that they turned out the most useful part of the population there. If Trinidad were taken, a similar instance would be found. In that island 774 negroes, the property of the Crown, were emancipated, and the result was, that in eight years their population increased to 973. What was more, the officers of the Crown reported of those negroes that they had not only increased in population, but that they had become industrious, fulfilled every moral duty, and had become extremely religious. What was the cause of this amelioration in their condition? All that was done for them was, that liberty was granted to them—but that was everything, and all they required. Now, let the slaves in the sugar colonies be compared with those liberated negroes. It would be found that in the sugar colonies they were decreasing in numbers in consequence of their treatment; that under the lash their number diminished, and that their sufferings and sorrows ascended to Heaven in cries of blood. He would again take the two free settlements at Surinam, and he would show, according to Mr. Austin, that, notwithstanding the unhealthiness of that climate, the free negroes there were increasing in population and in wealth. It would be the same if the condition of the free negroes of Demerara and Mexico were considered. He begged to mention a fact relative to 1,500 negroes apprenticed at the Cape of Good Hope. So long as they were in a state of apprenticeship they were perfectly useless to those for whom they worked; but when they were liberated things changed, and they became most useful and industrious. How did the liberated negroes of the Caraccas behave? Why, it was they who fought the fight of freedom against the veteran troops of Spain — against those troops who had distinguished themselves against the French, who had fought side by side with the English, and must have profited by their example. Yes, those liberated *Caçadores* under Bolivar fought with great bravery, and better troops than they, were, perhaps, never known. All these facts he considered fully sufficient to prove, that the Negro deserved his freedom, and that compulsion was not necessary to make him useful and industrious. In the troubles of the South American contest did the negroes avail themselves of any single opportunity to show their rancour against the Whites? They did not—they showed themselves throughout those troubles excellent and peaceable citizens. The Negro, then, might be emancipated with security, and with advantage to the planters. Enough had been said about their working under the lash. But had anybody as yet brought forward any evidence to show that the negroes would not work if they were set free? No such evidence had been adduced—no such fact had been proved. They were beings of the same flesh, bone, and muscle as ourselves—they were imbued with the same immortal spirit—they were rendered heirs, by the same blood, to the same glorious eternity as we—and was it to become in these days a question and a doubt whether they were entitled to the first birthright of mankind—freedom? He would put a case: suppose that the hon. member for Lancaster who had so ably and eloquently defended the cause of the West Indians, was taken prisoner on his way out to the West Indies, by a corsair, and sold for a slave, should he remonstrate and say he had primitive as well as rational rights which interdicted his being considered as a slave, he would doubtless be told there was a law in that country making him a slave, and thirty-nine lashes would be his least reward for talking reason to his master. There was no doubt it was law perhaps in his mind, and that of every Mufti in Algiers; but in defence of the natural rights to liberty of British subjects our fleets had been commissioned, and justly and heroically, to blow up the batteries, and huge mounds, and the proud Goletta of the Barbarian, and teach him there were rights which no law of any nation under Heaven could wrest from human beings. The hon. member for Kidderminster had contended for the claim of property in the slave. He said if he purchased a slave, it was his property, as much as a steam-engine or any other property, either in England or Jamaica. That was true; if he purchased an engine in England, it was his property in Jamaica; but let him purchase a slave in Jamaica, and bring him to England, and then claim his property. One half-minute in the King's Bench would set aside his claim of property, and set the negro free. In the case of the slave Somerset, Lord Mansfield said, that a slave was property by custom, and not by law; and that custom was bad, and would not be pleaded when it related to the liberty of the individual. A Judge of the land had condemned the custom as bad in law. Blackstone had laid it down as a principle that the English Constitution protected all those to whom it extended. It afforded its protection to the slave, and if a writ of Habeas Corpus was given to the West Indies, the moment the negro appeared in the Court of King's Bench he would be emancipated, as in the case of the slave Somerset. Political rights were intended only to protect natural rights: they did not precede natural rights. Liberty was a natural right, and no one untainted with crime could be deprived of it. Slavery continued to the present day a crime on the annals of mankind. The first filching of the man from his home in Africa was a crime, but the crime was doubled in retaining the man's son as a slave. Every step of the proof of property was more deeply dyed in iniquity. The story of the Wolf and the Lamb was not its parallel in guilt as to the principle it comprised. It was a fact, not a nuisance to be abated, but an abomination to be trampled by us Christians in the dust. Let this Legislature avoid the example of the political hypocrites of America, who, when in rebellion against this country, adopted the famous maxim—"That all men were born equal and free," but who even yet unblushingly continued the hateful system of negro slavery in its most hateful form. He hoped that this country would set the Americans an example of true freedom, and stigmatise their conduct in continuing slavery, as tyranny and robbery. He called on the House to extinguish the hateful system—not only in justice to their own country, but to the world. He would not then enter into the question of compensation; but he hoped that in considering that, and the whole question, all jealousy, and all hankering after a system which was tolerable to its advocates only from its long standing, would be laid aside, as was well recommended by the hon member for Lancaster, in his beautiful and eloquent speech on a former evening. He hoped that fear would not prevent the House from doing justice to that large portion of their fellow-men, but that, on the contrary, they would be just, and fear not.

Lord *Dalmeny* said, that much as he admired the eloquence of the hon. and learned member for Dublin, he could not agree with him in opinion, that immediate emancipation would be a safe or proper measure in the present state of the slaves. The hon. and learned Gentleman argued as if immediate emancipation were synonymous with the happiness and comfort of the slaves themselves, and with the prosperity of the colonies. He should as soon think of removing the shackles from all the inmates of a madhouse, and letting them loose upon society. The negro population of the colonies were not yet in such a state of moral or intellectual advancement as to be capable of profiting by freedom. Whatever might be their natural faculties and powers, they were hitherto allowed to run waste, and without gradual preparation for a state of freedom, in place of being a blessing, it would only be a curse to them. The hon. and learned Gentleman argued as if the mere circumstance of emancipation would be sufficient of itself to fit them immediately for all the duties and enjoyments of civilized society. This was contrary to the principles of human nature, which proved that some degree of previous preparation and education were necessary to fit men for freedom. He was apprehensive of that burning desire for vengeance which had been more nourished than repressed by long ages of tyranny. Revenge was in their bosoms only a cold and sleeping serpent; let it be only warmed into life by the day of liberty, and it would spring upon its victim. Immediate emancipation would only deliver the slaves up to the dominion of their own bad passions, which would be found far worse even for the slaves themselves than the dominion of the planters.

Lord *Sandon* said, he had never defended the system of slavery; but, on the contrary, had always been inclined to consider the best means of getting rid of it. Every Gentleman connected with the West Indies, who had spoken on the question, admitted the necessity of the emancipation of the slaves, and he thought it hardly fair, therefore, that the odium should be thrown upon them, of being entirely opposed to it. If that debate on the question had happened last year, it might perhaps be excusable that some Members should make an appeal to popular feeling; but it being now admitted that slavery must be abolished, it was not right to bring odium upon the West-India proprietors, without whose concurrence emancipation could not be effected. He believed that the cruelties and tyranny exercised towards the slaves had been much exaggerated, at the same time that he would admit that slavery was one of the deepest sources of moral degradation. He even believed that it was worse in its moral effects on the master than on the slave. That, however, was not now the question. The question was, how it could be abolished with least injury to individuals, and least danger to the State. He believed also, that the statement made of the decrease of the number of the slaves from over-working and bad usage had been much overrated. He would rest the truth of his doubts upon that subject, upon the arguments made use of by one of the greatest advocates of emancipation—the hon. member for Weymouth—who said, that if wages were given to the negroes, they would work more than they did at present, without doing themselves any injury. If that were true, what became of the argument that over-working and over-labour caused the decrease? Among other evidence which corroborated him in his views, was that of Mr. Taylor, who said in his evidence before the Committee, that he had seen slaves go to market in coats which he would not himself be ashamed to wear, and that they were fully fed all the year round. But even those who most strongly advocated the effect of over-working on the state of the population, were obliged to admit that much of the decrease was attributable to the inequality in the sexes. In stating his views on this question, he would consider it in regard to the many numerous classes interested in its settlement. He would consider it, first, as regarded the West-India planters; secondly, as regarded the manufacturers of this country; then as regarded the shipping interest, and the interest of all the industrious classes of this country, who obtained much of their subsistence from labour paid for by the West-India capital; and, lastly, as regarded our finances, which derived eight millions from the same source. And he would ask, after stating that so many interests were concerned, what question could be more important or more deserving of strict and careful inquiry, before they proceeded to make experiments concerning it? With regard to the interest of the planters, he found that the total value of the sugar, molasses, &c. raised in our West-India plantations, amounted to 7,857,000*l.*; the exports from Great Britain to the West Indies in the shape of stores, was 2,500,000*l.*; and that the freight and sailing charges upon those stores, amounted to 1,600,000*l.* This made the total amount of exports to the West-India colonies 4,600,000*l.*, which being deducted from the imports, left a balance of 3,257,000*l.*; and this balance being the difference between what was sent from the colonies to this country, and what was sent from this country to the colonies, he considered about the income of the West-India proprietors. Now, it should be recollected that that three millions were almost wholly spent in this country—its effect was found in this and every town in the kingdom, and there was not a town in the kingdom but would feel the bad effect of any diminution in our revenue from the colonies. Then, with regard to our manufacturers, he would beg to ask if they, in their already depressed and struggling situation, could afford to lose such a market as the colonies opened to them? With regard to our shipping interest, he found that 250,000 tons of British shipping were engaged in carrying produce from, and stores to, the West-India colonies, besides 80,000 tons employed in the West Indies themselves, in carrying provisions from the neighbouring shores of America, but which still were British shipping. This was the great interest which the British shipping had in the preservation of the colonies; and suppose the proposed experiment did not succeed, what would be the consequence? That 250,000 additional tons would be thrown into the market. They should likewise recollect the immense capital invested in our refineries and warehouses in this country, all of which would suffer seriously should produce cease to arrive from the colonies. He knew that in Liverpool alone the loss in warehouses would be enormous. Nor should they leave the interest of the colonists and of the slaves out of view. Looking to all those important interests, and looking also to the effect which the loss of the colonies would have upon our monetary system, the House would see, that as the question was no longer the continuance or non-continuance of the slavery system, they ought carefully to consider in what manner emancipation might be effected so as to do the least possible injury to all concerned. It ought to be recollected, too, that there was humanity on the one side as well as on the other, and that thousands, nay millions, were dependent on the colonies for support who had as good a claim to the humanity of the House as the slaves. They ought to look to the question, then, not with a view of getting rid of it, but with the view of so settling it, that not only the slaves should be free, but the colonies productive. What, then, was the first element of such a settlement to be considered? It would be easy to abolish slavery, but how were they to create a wholesome state of society, fit for the reception of freedom? In his opinion the passing of the slaves from a state of slavery to one of freedom was an experiment, the success of which was very problematical, and they had no instances of its success in any other country. They were indeed told of Mexico and Venezuela, where the slaves had been emancipated without subsequently murdering all the white population; but was the experiment ever tried with success in countries where the black population bore such a large proportion to the number of whites, as it did in our West-India colonies. It should be recollected, that in Venezuela, where the transition was said to be from slavery, even from black slavery, to happiness and content, the slaves were not more than one tenth of the whole population, scattered, too, over the face of the country, and in so small a proportion to the whites as to remove all apprehension of danger. The same might be said of the other parts of South America. But was there any analogy in these cases to that now under consideration? It should be remembered, besides, that the experiment was made in South America when the country was under the excitement of a civil war, and when the minds of the slave population, as well as others, were absorbed by other considerations. They had no safe experiment to guide their conduct, no precedent upon which they could securely rely, either in ancient or modern times. There was nothing to guide them safely, even in the experiments made in modern times of a transition from mere political slavery to liberty. The experiments made in Italy, in Greece, in South America, even the great experiment of the French revolution, proved that a sudden transition from political slavery to freedom was not very safe. In effecting the great object proposed they must seek the assistance of the planters themselves and proprietors, who must be brought, not merely to acquiesce in the plan, but co-operate in it. An experiment proceeding upon any other grounds must fail, or perhaps end in a civil war of extermination. It should be recollected, that they had to deal with men who were in a state of excitement and irritation. They must not say to them: "If you resist, our forces are sufficient to put you down." It was true 16,000 whites, among a population of 300,000 slaves, might be easily put down; but here it was not a question of war, but of a peaceable transaction. The planters had a claim on their justice to carry the object into effect in the least objectionable way. He would not go into the abstract question—was slavery lawful? The question the House had to consider was, whether it had not been recognized as such by this country, and considered as lawful by the parties interested? The responsibility of Parliament in this measure involved the welfare of 800,000 human beings at present dependent upon their will. But it did not end there; for, if the experiment succeeded, the example would, no doubt, be followed by all other slave-holding countries. If it failed, the slaves in the hands of other countries would be subjected to new rigours. How important then was it that every means of securing the success of the experiment should be adopted? Within the last twenty-four hours he had become enabled to make to the Government a proposal which, if acceded to, would go far towards rendering the experiment safe and practicable; for it would ensure the co-operation of the planters. A number of Members of that House, in the interest of the West-India body, had that morning met at his house, for the purpose of discussing the means of securing their co-operation. They had agreed to certain Resolutions on the measure of the right hon. Secretary, and having submitted those Resolutions to the Acting Committee of the body of West-Indian merchants and proprietors, they had received their entire concurrence. In these Resolutions they had begun by adopting the first Resolution of the right hon. Secretary, for the immediate abolition of slavery in the British colonies. They had next resolved, that a sum of twenty millions should be appropriated by Parliament as compensation to the planters and slave-owners. Upon the next Resolution he entreated the Committee to suspend their judgment until he had stated the grounds upon which it had been adopted. It was to the effect, "That in order to secure the co-operation of the colonial assemblies, his Majesty should be enabled further to advance as a loan upon colonial securities the sum of ten millions." With respect to the twenty millions as compensation, it was important to observe, that the planters were called upon by the Government measure to pay full wages in lodging, clothing, food, and other allowances to the slave for a term of years, and at the same time they were required to give up one-fourth of the time of the slave; in other words, of the consideration for which the wages were given. It was no more than just, in the opinion of the West-India body, to estimate the value of the sacrifice, and make compensation for it. The question, then, was, what was the worth of this and other sacrifices which the planter was called upon to make? It was to be considered that, at the end of the term of years, the planter lost what he might term the fee-simple of his property, and many of the proprietors of slaves in the West Indies possessed nothing else. In order to estimate the value of a fourth, they must look at the value of the whole of the produce of the West Indies. That would be found to be about 6,100,000*l.* annually, including what was consumed in the colonies with what was exported. One-fourth of that was 1,500,000*l.*, the sum which was annually to be taken out of the pocket of the slave proprietors. Twelve years' loss of 1,500,000*l.* gave 18,000,000*l.* Then, allowing a couple of millions for the compensation of those who lost every thing by the emancipation of their slaves, the sum of 20,000,000*l.* would be made out, which the West-India body thought would be no more than a fair compensation, and upon which being granted they would be willing to give their co-operation to the plan of the right hon. Secretary. This was clearly a great desideratum, and the House ought not to be too niggardly in the means of securing an advantage by which so much of the danger of this dangerous measure would be averted. He would next advert to the proposed loan of ten millions. This loan was proposed as a means of alleviating the distresses of those who had heavy mortgages on their property. To set them from their embarrassments would operate as a stimulus, and give them not only heart and encouragement, but the means of aiding the new system of cultivation which the proposed change would render necessary. A loan was strongly recommended by the Committee which sat last year; and it would have the advantage of embarking this country in the same boat with the colonists. It might be said that the loan would not be repaid. If, however, the hopes held out by this measure should be realised, there could be no doubt that property to the amount of 100,000,000*l.* would be good security for a loan of ten. The produce shipped to this country might first be taken to repay the loan. If, however, the colonists were to lose all their property by this experiment, surely ten millions would be but a moderate compensation for this country to pay, for the ruin it was resolved to inflict. If, on the other hand, they were to throw the colonies out of cultivation by being niggardly towards them, the result would be, that the country would be more heavily taxed by the increased price of sugar and colonial produce consequent upon a diminished supply. He thought he had at least laid strong grounds for a consideration of these proposals which he made on behalf of the West-India body, and upon the adoption of which they were prepared to give their co-operation to the plan of his Majesty's Government. It was not intended to put the House to the trouble of a division on the part of those whom he represented. They were but a small fraction of the House, and could hope nothing but in the justice of the House. If they should be able to make any impression upon the sense of justice and of policy of the majority of the Members of that House and the Government it would be all well; but if they failed in that, he felt that for fifty or sixty Members to struggle against the great majority of the House and the sense of the country, urged on in this cause he firmly believed by religious principle, would be worse than useless. If he failed in convincing the House of the justice of these proposals, then the responsibility of miscarriage, in a cause in which the interests of justice, humanity, and civilization were more deeply involved than in any other now pending, would rest upon that House, not upon the West-India body. They, at least, would have the consolation of knowing that they had discharged their duty according to the dictates of their conscience. [The noble Lord sat down without proposing any Resolutions.]

Mr. *Fitzgerald* observed, that the question at the outset was whether there could or could not be property in slaves. If there was no such thing as property in man, there could be no doubt that the House was bound at once to go the length of the right hon. Secretary's Resolutions. If, on the contrary, property could exist in the labour of the negroes, the question assumed a more complex shape. It was, however, clear to him from the Statute-law, from the time of Elizabeth downwards, that the slave-trade and the right of property in slaves, were recognized by various Acts of Parliament. Such being the case, it was impossible, with any pretence of justice, to take away a species of property recognized by the Legislature, unless we consented to compensate the owners. Whatever measures were finally adopted, it was of the utmost importance that the colonists and the colonial Legislatures should cordially concur in it, otherwise it never could be rendered satisfactory and effectual.

Lord *Sandon* said, that he had forgot at the conclusion of his speech to read the Resolutions which he intended to propose as an amendment for the adoption of the Committee, and he would now take the opportunity of doing so. The noble Lord, accordingly, read the following Resolutions.

"1. That it is the opinion of this Committee, that immediate and effectual measures be taken for the entire abolition of slavery throughout the colonies, under such provisions for regulating the condition of the negroes, as may combine their welfare with the interests of the proprietors. That towards the compensation of the proprietors in his Majesty's colonial possessions, his Majesty be enabled to grant to them a sum not exceeding 20,000,000*l.*, to be appropriated as Parliament shall direct. That in order to secure the success of this object, and the co-operation of the colonial Legislatures and authorities, his Majesty be enabled to advance, by way of loan, on colonial security, a further sum, not exceeding 10,000,000*l.* sterling; these payments to be made to the colonies, upon their respective authorities passing laws in conformity with this and the following Resolutions.

"2. That it is expedient that all children born after the passing of any Act of Parliament for this purpose, shall be declared free, and be subject to such temporary restrictions as may be deemed necessary and equitable, in consideration of their support and maintenance.

"3. That all other persons, now slaves, be registered as apprenticed labourers, and acquire thereby all rights and privileges of freemen, subject to the restriction of labouring, under conditions, and for a time to be fixed by Parliament, for their present owners.

"4. That his Majesty be enabled to defray any such expense as he may incur in establishing an efficient stipendiary Magistracy and police in the colonies, and in aiding the local authorities in providing further religious and moral education of the negro population to be emancipated."

The *Chairman* intimated to the noble Lord that, as there was another Amendment already before the Committee, the noble Lord could not move his Amendment until it was first disposed of.

Lord *Sandon* said, that after that Amendment was disposed of, he should move his Resolutions, for the purpose of having them inserted on the journals.

Admiral *Fleming* spoke as follows: Having been alluded to by the right hon. Secretary for the Colonies, when he so ably and clearly explained the plan now under consideration, I feel it a duty to the House to express my most perfect concurrence in the correctness of the statement the right hon. Gentleman has made, of the condition of the negro slaves in the British colonies; an opinion which I am enabled to give without fear of misleading any one. From a knowledge of the West-India colonies for more than thirty-five years, from having visited almost every one of them—resided in some of them, and having held the chief naval command there; it was not only my duty, but I had opportunities of informing myself of the real state of the coloured population; and it is with pain and sorrow I am bound to declare, that from the first time I visited those countries in 1796, until I last left them in 1830, no material amelioration in the treatment of the negro slaves had taken place; for, although many proprietors treat them with mildness and humanity, and their condition is materially altered, from their being almost all creoles, speaking the English language, and generally professing the Christian religion, it is a matter of great doubt with me whether they are not more unhappy now that they feel the degradation of their situation—those insults and injuries inseparable from their unfortunate state—than when in ignorance, and little removed from savages. There are few things more difficult than to come at a knowledge of the real state of the West-India slave; and I must confess, that although I very early in life became convinced of the necessity of abolishing negro slavery, not only as an act of justice, but one of true policy, and for the best interests of the colonists, I was very far from believing that this country would have permitted it to continue to the present hour: for it must have been visible to all who would or could see, that it was drawing fast to a close, and that the horrid system would either blow up, as it has done, or end in insurrection, or the total extinction of the negro race. Sir, I did expect that the Resolution entered into by this House in 1822, would have had the effect intended; and when I returned to the West Indies in 1827, I did expect to find the negro slaves on a much better footing than they really are—a delusion which was continued by my first landing on the Bahamas, where I had never been before, and where slavery is as light as it can be. The very day I arrived in Jamaica the curtain was drawn up, and exposed the dreadful scene still existing in that island; on the very beach I saw a chain gang, which I will not attempt to describe, because I have not the power of conveying the slightest idea of its horrors. I soon found, that

Councils of Protection, and all their boasted laws in favour of the slave, were a bitter mockery, and that there was not only no real protection for the negro, but that the same excess of forced labour, the same scarcity of food, scantiness of clothing, and inattention to healthy lodging, produced the same melancholy waste of human life. I have heard many express their surprise that the right hon. Secretary should have mentioned what fell from a witness before the Committee last year—namely, that a slave might be punished by his master for looking at him; but as a proof of how little regard is paid to such punishments, I will mention a circumstance which took place while I was in Jamaica. The road leading to the house where I resided passed through a coffee plantation, and the naval officers coming and going from my house soon became acquainted with the negroes employed in its cultivation, and used frequently to give them cigars and snuff, of which the negroes are very fond—sometimes they threw them small pieces of money—thus the negroes were encouraged to put themselves in their way instead of avoiding them, as they generally do whites. One of them, whose name was "Sampson," used to amuse the young men in singing negro songs and dancing in mimicry; one day he met two officers on their way to me, and asked them for cigars; out of mere joke they called to the driver to give him thirty-nine, throwing him at the same time tobacco; they were soon out of sight, and little dreamt that an order so carelessly given, would be obeyed; nor did the poor wretch complain, supposing it no doubt a common occurrence; and it was not until next day that the fact was communicated to the officers, who immediately informed me of it, expressed their infinite sorrow, and requested me to explain to the owner how it had taken place. I did so, and was answered, "Oh, curse his blood, it will do him good." The negro driver never thought of inquiring as to the propriety of the punishment, but when I spoke to him, answered, "What can poor negro do? Massa Buckra tell him give him fum fum." Sir, it is not possible to convince the great majority of the managers and overseers of estates, that any other means but the whip will induce the negroes to work —the mere mention of it generally produces the reply, that you are humbugged by the saints, or misled by Brougham's canting and hypocritical harangues. I never in my life attended an Anti-slavery Meeting; indeed, with the exception of the Lord Chancellor and the learned Doctor (Lushington), I am not known to any of those who have so distinguished themselves in favour of Emancipation, and to whom the country in a great measure owes the tranquillity of the colonies, by keeping alive that hope, which is now, thank God, shortly to be realised. In 1796, I first saw a slave ship—I had seen Turkish slaves before—slaves in the galleys at Genoa, and slaves in Algiers, but I had not the slightest notion of what the cupidity of man could inflict on his fellow man, until that period; believing the ship I saw to be the worst of her kind, I visited another, and found her no better; I never could persuade myself to go to a third; and I can truly say, that when I was elected, a few years afterwards, to a seat in this House, the highest gratification I felt was, that I should be able to lift my voice against this beastly and inhuman traffic; whenever I heard Mr. Fox declare that it was to cease, I felt as relieved from a burthen that oppressed me. I did not require the eloquence of my noble friend; he had not been admitted to the House, and only just commenced his distinguished career; neither had I access to the papers in the Colonial Office to convince me of the absolute necessity of the abolition of slavery. I had even stronger excitements to become an advocate for that most desirable event. I saw slavery—I saw its degrading effects on the negro—I saw its pernicious effects on white men, ay, and women too—I saw the pollution of all connected with it; but I will not tire the House with a further description of it, nor is it necessary. It is of little consequence now whether my hon. friend, the member for Lancaster is correct in the statement he makes, or the slaves are as I saw them. Are they contented? No. Look to the insurrections in Jamaica, Demerara, and Barbadoes; can you keep them any longer in their present state? No. Then the only question is, which is the best mode to emancipate them? My opinion is, the plan now proposed by the Government, although it goes further than I should have been inclined to go, will I am sure be received with unbounded joy—and it will bind the negroes to this country by their interest, and rivet them to it by gratitude and affection; but its success depends on the co-operation of those who have been so long its advocates; a false step taken by them now might tarnish all their glory, and involve the unhappy negro in ruin and bloodshed produced by despair. I, therefore, most earnestly entreat them to weigh well their words here—they do not know their power—they will be received as oracles on the other side of the Atlantic, where all eyes are turned to them and all ears open to them. With respect to the negroes working after they are free, I have not the slightest doubt of it, although much depends on the conduct of the colonists. St. Domingo has always been held up as a proof to the contrary, but I think most erroneously; I do not judge from hearsay, but from what I saw: true, they do not produce sugar, but they import it, and so does Jamaica refined sugar, and that is, I think, a pretty good proof of their civilization. I saw no poverty in the island; I saw no naked men; I saw people working in their fields; I saw them clad and well fed, being the happiest negroes I saw in the West Indies; but I am told they are idle and will not work—that they will not cut down wood to load vessels. Now it happens, when I was in the West Indies, two complaints were made to me of vessels cutting down the wood by their crews, and carrying it off—in fact stealing it; and thus they blame the negro for not cutting it. Again, it is said, that they have no enterprize; they are indolent, and fast going back to a savage state. I will give the House a proof to the contrary. In the month of April, 1829, I left La Guyra, in the Barham, intending to touch at Curaçoa, to inquire into some captures (said to be made by pirates), on my way to Jamaica; in consequence of a current which was generally felt over that part of the West Indies, and which occasioned the French Admiral and two English ships of war to get aground, the Barham was run ashore on the weather part of Buenos Ayres; after great exertion by her crew, she was got off and conducted into Curaçoa by the assistance of two Dutch ships of war. At that time there had been no rain for two years, the cattle had all died, and as I had supplied all the ships with provisions, reserving only a week's, it became a matter of great importance to procure sufficient provision for the crew. I despatched a schooner to Antigua; on her way she touched at St. Thomas's, where there happened to be a Haytian vessel; she immediately sailed for the city of St. Domingo, and soon appeared at Curaçoa with a cargo of timber for repairing the ship, and forty-seven live bullocks. There was not a white man on board of her, all were black, and yet these are the people who are falling back into barbarism. But let us pass the Caribbean sea. My hon. friend, the member for Lancaster, told the House the other night that there were only five or six sugar estates working in Venezuela, and these by slaves. I cannot tell where he got his information, but I myself saw upwards of thirty sugar estates worked by free negroes, and it is an absolute fact, that slaves are seldom used in making sugar in Venezuela, the proprietors finding it to be cheaper and better done by freemen. Sir, I resided on many of these estates and saw the people at work; I saw them refining sugar, cultivating indigo, and I was assured by many of the overseers that work was better done now, and cheaper by freemen than slaves. Formerly it was customary to have a slave for every 1,000 plants of cocoa; now, a free man can manage 6,000 or 8,000, and everything else in proportion. Many of the proprietors, who are obliged by law to keep their slaves, found it more beneficial to pay them; in fact, a more complete proof of the success of free labour cannot be given. I know the fact of rum being carried into Trinidad, and the estate from which it went. I know more: Venezuelian rum has been sent from Curaçoa, a free port, to Jamaica; and there is very little doubt when that country has a few years peace, the free labour will drive slave labour out of the market.

Mr. *William E. Gladstone* said, that he had to complain of the reference which the noble Lord opposite (Lord Howick) had made to an estate of his (Mr. Gladstone's) father in Demerara, called Vreeden's Hoop, in proof of a position laid down by that noble Lord, that the increase in sugar cultivation was in direct ratio with overworking and loss of life on the part of the slave population. He thought he had a right to complain of the noble Lord's bringing forward a charge of that description without any previous communication to the parties interested, while two members of the family to which it referred had seats in that House. It was a charge affecting moral character, for what man's character would not be affected if he should see, from the reports from his estate, that while the sugar cultivation was increasing his slaves were dying off in equal proportion; and if, under such circumstances, he should continue the same system of management? But he denied, that the noble Lord's statement, with regard to his father's estate, was correct. The noble Lord stated, that the mortality generally amongst the slaves had been fourteen per cent., while, in fact, it had only been about two per cent. But he could mention an estate where, with a decrease in the slave population, there had been a small, almost amounting to nothing, increase in the sugar cultivation. He alluded to that of Mon Repos. Upon that estate there were 470 persons, and from 1817 to 1822, they produced from 600 to 900 hogsheads of sugar a-year; and during the whole of that period the diminution of life as compared to previous periods was only one-and-a quarter per cent, on that estate. The estate to which the noble Lord had alluded, had come into his (Mr. Gladstone's) father's possession about five years ago. There were 560 slaves on it then, 140 of whom were ailing and infirm persons. Perhaps the noble Lord would say, that that fact only proved that their previous treatment had been harsh and severe, and that his position, that the increase in the cultivation of sugar was attended by the overworking and mortality of the slave population, remained untouched. Now, what was the fact?—that in 1825 this estate produced only 1,200 pounds of sugar for every person employed in it, which was, according to the noble Lord's own admission, the lowest average for any estate. In fact, on the purchase of the estate, from the necessary decrease that was apprehended in the number of the slaves, owing to the infirm state of some of them, 250 were immediately added to the gang. As to the punishment inflicted on this estate, he would just mention, that he had a letter in his pocket from the estate, dated the 20th of April; and it appeared from it that the number of punishments inflicted there from the 1st of January up to that date amounted exactly to one. He was sorry to trouble the Committee, but these details were necessary to show that, while honourable and respectable branches of his family had held West-India property, they were not inattentive to the wants, the wishes, the feelings, and the interests, of the negro population connected with their plantations. He need not remind the House that the proposition of the noble Lord, adopted by the right hon. Secretary, as to the threefold connexion between increase of sugar cultivation, increase of labour, and decrease of human life, was of immense and vital importance, not only to West-India proprietors, but to the country generally; for if the cultivation of sugar were an occupation of the murderous kind described by the right hon. Gentleman; and if, as the hon. and learned member for Dublin said, "the blood of the negro cries to God from the ground" then the title of the West Indians to their property would be materially affected; because the fact of their persisting in the cultivation of sugar with such results involved such a degree of inhumanity—and recklessness of human life—as would deprive them of the right to appeal to justice. He would contend, however, that the calculations of the hon. member for Lancaster had not been shaken. They were made with reference to Demerara only; but the hon. Member took Demerara because it was the worst case. It was true that his statement did not refute the whole theory of the right hon. Gentleman. The hon. member for Weymouth (Mr. F. Buxton) had said, that in every case, the number of males and females was almost equal. But in Demerara, according to the census of 1829, the creole males were 20,000, creole females 21,000; whereas, the African females were 10,000, and the African males 16,000? If the hon. member for Weymouth would, in the teeth of that fact, undertake to prove, that the number of males, and the number of females were anything like equal, his power must surpass that of arithmetic. The hon. member for Weymouth said, "Give me the quantity of sugar, and I will give you the decrease of life." He (Mr. Gladstone) would apply this theorem to a particular case. In St. Vincent's there was an increase of 122 persons in twelve years; in Santa Lucia there was a decrease of 1,962. In Santa Lucia, the produce of sugar had been 6 cwt. per man: how much ought that in St. Vincent's to be? He had not worked out the problem, but the answer, he was aware, according to the rule, would be very different indeed from the fact, which gave no less than 10 cwt. per man. He could not answer for the correctness of these statements; but taking them as he found them, and as they were admitted, they certainly overthrew the argument of the hon. Gentleman. With regard to the connexion between the decrease of life and amount of punishment — In Trinidad, the decrease had been much greater than in any other colony of the British West Indies. It amounted, according to the hon. member for Weymouth, to twenty-five per cent in thirteen years; and according to other calculations—those of Mr. Macdonnell—to twenty per cent, for the same period of thirteen years. In Jamaica, for the same period, the decrease was only five or six per cent; consequently, by the rule which the right hon. Secretary was pleased to adopt, the treatment of the slaves in Trinidad ought to have been far more cruel than in Jamaica; but, on the contrary, it appeared from the evidence of the hon. and gallant Admiral who spoke last, that the slave in Trinidad was better protected than the slave in Jamaica, for in Trinidad, he was under what the hon. Admiral termed, "the excellent laws of old Spain," which were the mildest among all the codes of the slave-holding nations. He begged not to be misunderstood. He did not say, that the cultivation of sugar was as favourable to life as the cultivation of cotton or coffee, but the extent of that had been much exaggerated. It should be recollected, that no two professions or trades in this country were in the same degree favourable to human life; it was entirely a question of degree—but the pursuit of no particular trade or profession was relinquished because it was less favourable to human life than another. If, indeed, the statements which they had heard were true, to their full extent—nothing could be said on behalf of sugar cultivation; but, if the manufacture of sugar were so essentially and necessarily destructive, they ought not to stop till they had passed a law prohibiting its importation altogether. The hon. member for Lancaster had made some statements as to the effects of particular trades in this country upon human life, which were astounding; and certainly the accounts of a similar description published by Mr. Thackrah, showed, that the extent of injury to life from many even of the most ordinary trades in this country, was almost beyond belief, and far exceeded the effects of the cultivation of sugar. He would mention one case: that of the grinders. Those who were called dry grinders lived only from twenty-eight to thirty-two years; while those who were called wet grinders, survived to between forty and fifty! No man who had investigated this subject could deny, that the charges against the West-Indian planters, were wholly untenable; and admitting the sugar cultivation to be less favourable than that of cotton and coffee, he would deny that it was injurious to the extent supposed, or caused the decrease, which had been stated to result from it. Sugar was best grown in damp soils: and in such, of course, more decomposition and putrefaction took place under a tropical sun; and it was consequently less favourable to life. But he would take the case of Barbadoes, to show how little comparatively this had to do with the decrease. In Barbadoes, forty years back, when the average annual produce of sugar was 12,000 hogsheads, there was a very large decrease in the population; but at present, when 25,000 hogsheads annually were produced, that population was on the increase. Now, how could that be accounted for, upon the principles of the noble Lord, the right hon. Secretary, and the hon. member for Weymouth? True, they might produce cases in accordance with their rule; but then he could produce cases which contravened it. He could also account for the cases they adduced from other causes, arising often from the habits of the Africans themselves; but could they account, in like manner, for those cases which he produced against them? If they could not, their rule fell to the ground, for unless it included all cases, it was valueless. It was well known, that manufacturing processes, as a general rule, were less favourable to life than those which were agricultural. The hon. member for Weymouth compared the case of sugar with the cases of cotton and coffee, but forgot to remind the House that the production of sugar in the colonies involved a manufacturing process, while the production of cotton and coffee were purely agricultural. They ought, therefore, to advert to the importance of these considerations upon sugar cultivation. Cases of cruelty had often been brought forward against the colonists; and with shame and pain he confessed that cases of wanton cruelty had occurred; and they always would exist, particularly under the system of slavery; and unquestionably this was a substantial reason why the British Legislature and public should set themselves in good earnest to provide for its extinction; but these cases of cruelty could easily be explained by the West Indians, who represented them as rare and isolated cases, and who maintained that the ordinary relation of master and slave was one of kindliness and not of hostility. They had, however, been upheld by the calculations of the hon. member for Weymouth, upon the decrease of the population—which he had persuaded people was owing to general excessive labour and ill treatment, connected with the cultivation of sugar. Thus those calculations now formed the basis and the gravamen of all charges against the West Indians, because they appeared to prove, that cruelty must be the general rule, and not the exception. He deprecated cruelty—he deprecated slavery; it was abhorrent to the nature of Englishmen; but, conceding all these things, were not Englishmen to retain a right to their own honestly and legally acquired property. If cruelty had existed, he was sorry for it; he did not believe in its existence. It was not, however, alleged against the present colonists, that they practised it; and thence he really saw no reason for the attack which had recently been made upon the West-Indian interest. He put it to the House to consider whether the country had not falsified its obligations to communicate the Christian religion to the slaves. He thought, however, that it was extremely cruel at the present period to hold up the West-Indian planters as an isolated class, instead of taking them as what they really were, one example among many of a general system. He trusted, that the House would make a point to adopt the principle of compensation, and to stimulate the slave to genuine and spontaneous industry. If this were not done, and if moral instructions were not imparted to the slaves, liberty would prove a curse instead of a blessing to them. The right hon. Secretary seemed not aware of the extent of the claims of the West-Indian interests. The estimate of 1,500,000*l.* annually was not near the mark. He had omitted in his calculation the incomes of resident proprietors, the interests of the owners of job-gangs, and, lastly, the interests of the owners of provision estates. The West-Indian property he held was created by the Legislature, and might be destroyed by the Legislature. It was not an abstract, but a conventional property. The question was, whether it was property within the limits of the power of the House to deal with it. The House never did or could do anything with respect to abstract nature, but he was satisfied that the property was within the power of the Legislature. The Legislature had done all in its power to make this property, and by its own acts it must be guided. He for one deprecated the entertaining of abstract questions. The point of property in this measure was a point proper to be discussed here. What was the ground of the grant proposed to be made in this case? The West Indians asked the House whether it ought not to take on itself to a moderate extent the risk of a total stoppage of their plantations. What could be more reasonable; for if the measure worked well, the House would be repaid the money it advanced; and if it should work ill the consequence would be that the country would lose only ten millions, whilst the West Indians would lose sixty millions. He knew the opinions entertained of the omnipotence of Parliament, and that it could crush the West Indian Legislatures. This, he trusted, was not the object of any man. He was convinced that it would be in the power of the local Legislatures to prevent the plan, at least as a satisfactory plan. Whilst the competition of foreign manufacturers was daily becoming more formidable, it might be by the colonies, and by the colonies alone, that the country might yet flourish. For passive resistance and for the production of evil the power of the local Legislature was immense. The House might consume its time and exert its wisdom in devising plans of emancipation; but without the concurrence of the Colonial Legislatures, success would be hopeless. He thought that there was excessive wickedness in any violent interference under the present circumstances. What were these circumstances? Ministers commenced an inquiry into the West-Indian interests, and by their own organs of the Press, declared that that inquiry was not finished; and even the Governor of Jamaica had pledged his Majesty's Ministers that nothing should be done definitively till the Report of the Committee should be made. Ministers were still in the midst of that inquiry; and having given that pledge, they had no right to take the wayward course they were now pursuing. The Legislature of Jamaica had pledged itself to enter into the negotiation on the *bonâ fide* principle of emancipation; and whilst Ministers were in the state of inquiry it did appear to him that to pursue the measure proposed at the present moment was to commit an act of great and unnecessary hostility against the island. It was the duty of the House to place as broad a distinction as possible between the idle and the industrious slaves, and nothing could be too strong to secure the freedom of the latter; but, with respect to the idle slaves, no period of emancipation could hasten their improvement. If the labours of the House should be conducted to a satisfactory issue, it would redound to the honour of the nation and to the reputation of his Majesty's Ministers, whilst it would be delightful to the West-India planters themselves, for they must always feel, that to hold in bondage their fellow men must always involve the greatest responsibility. But let not any man think of carrying this measure by force. England rested not her power upon physical force, but upon her principles, her intellect, and virtue ; and if this great measure were not placed on a fair basis, or were conducted by violence, he should lament it, as a signal for the ruin of the colonies, and the downfal of the empire.

Lord *Howick* wished to say a few words in explanation, after what had fallen from the hon. Gentleman who had just sat down. If the slaves to which the hon. Gentleman had alluded were in a weak state of health, how came it that they produced double the quantity of sugar produced in other islands. The Hon. Gentleman had quoted the cases of St. Lucia and St. Vincent's, but he had taken periods when great hurricanes had occurred. In the three years, between 1826 and 1829, when natural causes only were in operation, there was a small increase in the population. All that he had argued was, that the manner of cultivating sugar was destructive of human life. In Demerara there was a great temptation to exact an undue quantity of labour, and slaves were fast perishing. In Barbadoes labour was less valuable, and there was not the same temptation to encroach upon the slave. He saw nothing in the statements of the hon. Member who had just sat down, that could shake his former arguments upon that point. Before he sat down, he would shortly state the course he intended to pursue with respect to the Resolutions before the Committee. He would not support any of the Amendments which had been already proposed on these Resolutions. He considered, that those who were for liberating the negro would follow the example of the noble Lord, the member for Liverpool, and not force the House to a division at that early stage of the proceedings. He trusted, that all those who were for the emancipation of the slaves would agree with him, that the Amendments should not be supported, and that there was nothing in the first Resolution inconsistent with the opinion that liberty should be granted to the slaves. That Resolution, therefore, might be allowed to pass, in order to show, by a unanimous vote of the House, that the necessity of granting emancipation to the slave was allowed. After that principle was established by such a unanimous vote, it would be then time enough to consider the two other Resolutions. He rusted that his right hon. friend would not force those Resolutions upon the House, nor require that they should be passed, since they were not essential for his measure, and might endanger its success. If those Resolutions were forced upon the House, it would prevent future modifications, and would not leave to the Colonial Legislatures that latitude that ought to be left to them.

Mr. *Fowell Buxton* proceeded to say, that he rose to refute a charge that had been made against him by the hon. Gentleman who had spoken a few minutes since (Mr. Gladstone). He was astonished that the hon. Gentleman should have so far mistaken what he (Mr. Buxton) had said, when it was already published in three different forms. He was moreover astonished at the cheers that accompanied the hon. Gentleman's misconception. The charge was, that in his evidence he had stated that the females in Demerara equalled the number of males. He could not understand how such a charge could be brought against him. He never did say that, for what he said was, that the males in that island amounted to 37,000, and that the females amounted to 32,000. He was stating conjecturally the number of females, it was a general statement, and what he said was, that according to the last returns, the whole female population of the colonies was about 340,000, and that the male population amounted to 330,000. With respect to the decrease of population in Demerara and Trinidad, what he had said was, that taking the average decrease for the last twelve years, it would be found that such decrease would destroy the whole population of the former place in a century, and in the latter place in about a quarter of that period. There was also another point upon which he had been misconceived. What he had stated was, that he would support the noble Lord at the present stage of the proceeding, but that he could not support the Resolutions throughout. It would be impossible for him to do so, for he could never support a resolution that proposed an apprenticeship which was to last twelve years. He might have supported some shorter apprenticeship, perhaps, but for the sake of the negro, it should be as short as possible. He really did not understand this part of the plan, for he did not see how it could be expected that the negro would work for twelve years without compulsion or without receiving any wages. The slave would do no work unless he were paid for it. That part of the plan he would resist. He begged to remind the noble Lord, the member for Liverpool, not to be too extravagant in his demands for the West-India proprietors—not to ask too much—lest he should get nothing. For his own part he did not think the planters were, on principle, entitled to any indemnification. The noble Lord should bear in mind the resolutions of Mr. Canning in 1823, and that if the planters had agreed to them, the question might have been almost settled, at least the agreeing to those resolutions would have prevented the exaggerated demands of the public, which had arisen since. What he would say, in the way of cautious advice, to the West-India planters, would be, not to exaggerate their claims to compensation; for if the question was not settled during the present Session, the consequence would be, that the people would come forward with increased zeal, and that emancipation of the negroes would be obtained without limit or compensation.

Sir *Robert Peel* said, that in the whole course of his parliamentary experience he had never approached the discussion of any question in which the interests involved appeared to him to be of equal magnitude to those connected with the subject then under discussion. He never recollected any question in which the difficulties to be surmounted were so appalling; he never recollected any one in which a single false step increased the hazards of the consequences so immensely, or which would make them more lamentable or more irreparable. He admitted the just claims of the West Indians to a compensation—to a compensation on fair and equitable terms—for the losses to which their property might be exposed in consequence of this measure of emancipation; but he did not rise to discuss the question as a partisan of the West-Indian interests. The least part of the difficulties which the question involved was, in his opinion, that of the quantity of compensation for losses to be sustained. It was certainly no consolation to him to learn, that the property of the West Indians amounted to 30,000,000*l.*, or to understand that such was the extent of the claim which the West-Indians could prefer for compensation. The country could very well settle that amount of payment. Whether the claim to be liquidated were 15,000,000*l.* or 20,000,000*l.*, or whether it were 30,000,000*l.*, it would not exceed the means of the country to provide the pecuniary compensation; but there were other and higher interests involved than this, for which, if they were sacrificed, no powers on earth could devise a compensation. There were interests of a still higher magnitude than any interests of property merely, which could be involved in the present measure. When he looked at the extent of the revenue raised from the West-India trade—when he looked at the general state of the revenue, and when he considered the existing, the long, progressive, and hourly increasing, impatience of the country with reference to fiscal impositions—when he looked at the amount of the revenue that the Government were putting to hazard—an amount at least of 5,000,000*l.* a-year he could not but confess, that the question in this respect alone involved consequences that ought to make the House most anxious to come to a conclusion, as little as possible productive of evil. When he recollected all those interests which were involved in the question—the interests of property and the claims of the West-India planters—he considered it one of immense importance. He assumed, that he was addressing a House of Commons prepared to run the hazard of every sacrifice to ensure the emancipation of the negroes. He would put aside the importance of that determination to those interests which he had just mentioned, however strongly he felt the consequences which it must produce upon the happiness and welfare of society, upon the commercial industry and financial prosperity of the country; and he would address himself to the House upon that ground on which his address would be for the most part founded, namely, the degree in which the interests of humanity would be affected by it; he meant that large, enlightened, and comprehensive humanity which was alone worthy the consideration of a statesman. He was confident, that in the decision to which the Committee was about to come, hon. Members would not look to the mere redemption of any hasty and inconsiderate pledges which they might have given to their constituents upon the hustings. He was confident that they would not look to the achievement of any triumph over the West-Indian assemblies. The object of that House would not be to punish the colonial legislatures, but to lay the foundation of future prosperity and tranquillity in those countries of which they formed a constituent and important part. Their object would not be to pass a hasty vote recognizing the expediency and justice of negro emancipation, but to alter safely and prudently the state of society in a hemisphere different from that in which they themselves lived;—to amalgamate two distinct and separate races and supply a better stimulus to negro labour, than the old base and degrading stimulus of the whip. The object would be, not to create a dominion of free blacks content with the mere necessaries of life, but to train the present slaves into a taste for the comforts and even for the luxuries of existence, to accustom them in that manner to the habits of honest industry, and to place them in that state of moral discipline which would enable the House, in unloosing their fetters, to feel that it was not acting inconsistently with the safety of the whites, or the happiness of the negroes themselves. Was that the object of Parliament or was it not? If it were the object of Parliament, then he was bound to say, that this question was encompassed with greater difficulties than either the majority of the petitioners to that House, or the majority of the House itself were prepared to anticipate. He was not about to state the difficulties which encompassed the question for the purpose of proposing an indefinite delay. It was now in such a state, that some step in advance must be taken. Greater evil would arise from leaving it in its present condition, and from attempting to get rid of it by an indefinite postponement, than by meeting the difficulties of it fairly, and by endeavouring to lay the foundation of a better and more stable condition of society. The mere circumstance of the King's Government having recommended emancipation constituted a new era in the history of this question. That recommendation essentially affected the interests of all West-India proprietors, and ought to make them sensible of the danger likely to accrue from further delay, and indeed from any part taken by the House of Commons which looked like shrinking from the difficulties by which they were surrounded. At the same time that he said this, he felt that in settling this question it was important that the Committee should not be insensible of the difficulties of another description by which it was environed. In the West Indies the great majority of numbers, and the great superiority of physical strength were on the side of those who were in bondage. There were physical as well as moral causes, which would, he was afraid, present obstacles to either a speedy or a satisfactory settlement of the question. The circumstances under which slavery was extinguished in Europe were very different from those which existed at present in the West Indies. Slavery was gradually extinguished in most of the countries of Europe, and also in the East, because it was found more profitable to the master to employ the slave as a free labourer than as a slave. He could not agree with the hon. Gentleman near him, that the sole difficulty of this question arose out of the operation of moral causes. Hon. Gentlemen might argue, that because the slave was in a state of degradation, therefore he was unfit for freedom; but then the answer to that argument was easy—"You have placed the slave in that state of degradation, and it is not just that you should take advantage of the wrong which you have done him, to say, that because he is degraded he shall therefore remain degraded for ever; on the contrary, you ought to raise him yourselves from that degradation by instilling into his mind moral habits and principles, and so qualify him for that freedom from which you now debar him, on account, not of his misconduct, but of yours." He repeated that this view was at least imperfect if not incorrect, for there were physical as well as moral causes which obstructed the settlement of the question, and made it one of great embarrassment. There was the distinction of colour. He did not allude to that as implying any inferiority between the black and the white—he merely alluded to it as a circumstance which threw a difficulty in amalgamating the slave population with the free, which did not exist either in any country of Europe, or in any country of the East where slavery was extinguished. If hon. Gentlemen looked to the United States, or to any other of the democratic States now existing, which recognized the equality of all classes, they would find, that long after slavery was nominally abolished, the amalgamation between the slave and the free population, which all must admit to be desirable, did not take place in a full or a satisfactory manner. In the West-Indies also the climate, the aversion to labour, and facility of obtaining subsistence were perpetual obstacles to success, which consisted in substituting a stimulus for forced labour in a country where all labour must be forced. In other countries the stimulus to labour arose from the necessity of procuring the articles necessary to subsistence. In the West-Indies, after you abolish the stimulus of labour from coercion, you cannot substitute the stimulus to labour from the necessity of procuring subsistence. The labour of a few days is all that is necessary in those countries to procure not merely the necessaries of life, but also articles of luxury. The evidence was conclusive, that so fertile is the land in most of the West-Indies, that a slave, by a very small portion of corporal exertion indeed, can obtain all that is sufficient to support existence. When you say, that the slave has already a motive which will induce him to better his condition, you say that which to a certain extent is undoubtedly true. He has got a taste for finery, and thus he has within him the seeds of habits, from which, with care and attention, you may perhaps extract hereafter the stimulus to labour. But at present the elysium of his existence is repose. In the climate which he inhabits, the great blessing of life is the absence of labour—that labour for which you are now attempting to create in his mind a stimulus. These were some of the difficulties which beset the settlement of this question—difficulties which ought not to induce the House to abandon the attempt to settle it, but which ought to induce us to have a salutary distrust in our own powers, and to take every step which we were now about to take with great precautions against failure. The question really came to this—"Is it safe to rest where we now are? Is it safe to trust to the colonial legislature for the fulfilment of the Resolutions to which this House came almost unanimously in the year 1823?" Now he admitted, that we had arrived at a state in which standing still would be more dangerous to the safety of the West Indies than proceeding onwards. He thought that the step recently taken by his Majesty's Government in compliance with the almost unanimous wish of the people precluded the House from staying where it now was. To leave the slaves under the influence of zealots, who would be daily dunning into their ears that for a certain number of years emancipation was not to take place in deference to the wishes of their white proprietors, to add that new subject of agitation to those which already existed, would, in his opinion, be to expose the colonies to dangers more aggravated than any of those in which they were involved at present. Did he deny the competency of Parliament to deal with this question? If he did, that would at once be a fatal objection to these Resolutions. But he who had voted for the Resolutions of 1823 and that too upon due deliberation, was not prepared to dispute the constitutional right of the Imperial Legislature to deal with this question—"Shall the negro population of the West Indies amounting to 800,000 remain longer in a state of slavery or not?" He readily admitted that there was a difference between the question of abolishing the slave trade, and that of abolishing the existence of slavery. The slave trade was carried on upon the open sea—the slaves were the inhabitants of the main land; and yet the course taken by Parliament on the slave trade did certainly affect the interests of the proprietors of slaves quite as much as the present Resolutions. The establishment also of a system of slave registration, by the authority of the Imperial Parliament affected the internal regulations of the colonies. It did not, in point of fact, affect them directly; but in regulating, that it should be necessary, to give validity to any encumbrance upon an estate, that all the slaves upon it should be registered, the Legislature unquestionably interfered with the domestic economy of every estate in every colony in which a slave existed. Indeed, it appeared not only reasonable, but natural, that in a case affecting 800,000 of the King's subjects, there should be a power in the King and in the Parliament to make regulations for their safety and well-being. If that power did not exist in the King and in the Parliament, what would be the result? That each colony would have to decide for itself whether it would abolish slavery or not within its confines. The right to abolish it or not being, then, vested in each colony would lead to such a variety of regulations so pregnant with danger of every description that all of them would be glad to fly for refuge to the Imperial Parliament from the conflicting decisions of each other. Besides, if the House of Commons were not competent to decide this question, all its present discussions were vain—for there was undoubtedly power in each colony, if it disputed the authority of Parliament to obstruct its designs. He therefore admitted the right and the competency of the Imperial Legislature to dispose of this question; but still no man could feel more strongly than he did, the indispensable necessity for our success that we should dispose of it with the assistance of the Colonial Legislatures; and with the concurrence of the great body of the West-India proprietors. Now, the first Resolution of the right hon. Secretary opposite was, "that it is the opinion of this Committee that immediate and effectual measures be taken for the entire abolition of slavery throughout the colonies, under such provisions for regulating the condition of the negroes, as may combine their welfare with the interests of the proprietors." Now, upon the practical course necessary to carry this Resolution into effect, he should express his opinions fairly, as he was no partizan. He would at once frankly say, that nothing could be more fatal to the proper settlement of this question, than to connect it with party considerations. His opinions were, he believed, the opinions but of a small minority in that House; but even if he were told that the unanimous voice of the people of England demanded immediate emancipation, and that a great majority of that House would be contented with nothing less, he would say, that such a fact would not release him from what he considered to be his duty—namely, to state his opinion of what was the fittest course to be pursued in the present emergency. Two plans had been proposed to the Committee as the consequences of this first Resolution. Each of them was proposed by high authority. One was proposed by the present right hon. Secretary for the Colonies; the other by a noble Lord, who, though he had held a subordinate office, had acquired much greater experience as to colonial affairs than the right hon. Secretary. One of them advised immediate emancipation; the other proposed ultimate emancipation, with a system of coerced labour for the next twelve years. Now, if the plan of the right hon. Secretary were adopted, he doubted the policy of passing his Resolution in the words in which it was couched at present. He doubted the policy of using the words "immediate and effectual measures shall be taken for the entire abolition of slavery throughout the colonies." Those words were calculated to raise expectations which the plan of the right hon. Secretary by no means warranted, and that was a great evil in establishing a preliminary Resolution. He admitted that this objection was an objection of terms rather than of substance; but still he contended that the first impression, of any man upon reading this Resolution, and especially the first impression of an illiterate and ignorant man, would be this—"You never meant to subject me to coerced labour for twelve years." He thought that measures must be taken on this subject without delay, and that slavery must be ultimately abolished throughout the King's dominions; but if he were inclined to accede to the plan of the right hon. Secretary (which he was not), he should say, that the terms in which the right hon. Secretary had couched his Resolution were impolitic. He thought that the practical liberty secured by the subsequent Resolutions should exceed rather than fall short of the expectations raised by the Resolutions which went foremost. In the words of that Resolution he should like to see an alteration, but he would not move any Amendment; he would not even suggest any form of words; but he would merely say, that in his opinion a distinct and unanimous assurance should be given by the House of Commons, that it would support his Majesty in maintaining the public tranquillity, and in resisting to the utmost any opposition which might be made in any quarter to carrying this law into full effect. Such an accompaniment to the words of the original Resolution he thought would be productive of good. If the House of Commons should determine, first, that it has the power to decide this question, and that it will authorize the King's Government to apply itself to the adjustment of it; and should determine next to recognize the principle of compensation to the West-Indian proprietors; then it would have taken a great step in advance, and would have armed the Government with satisfactory powers to settle this question. By the Resolutions passed in May, 1823, the House merely pledged itself to take preliminary measures to qualify the slave for the possession of freedom. The second Resolution which Mr. Canning proposed was to this effect:—'That, through a determined 'and persevering, but at the same time 'judicious and temperate, enforcement of 'such measures, this House looks forward 'to a progressive improvement in the 'character of the slave population, such as 'may prepare them for a participation in 'those civil rights and privileges which are 'enjoyed by other classes of his Majesty's 'subjects. That this House is anxious for 'the accomplishment of this purpose, at the 'earliest period that shall be compatible 'with the well-being of the slaves them-

'selves, with the safety of the colonies, and 'with a fair and equitable consideration of the interests of private property.' By laying down these principles we had obtained the means of settling this question, and by attending to the progressive improvement of the slave we had taken a great step in advance of the resolutions of 1823, and, in point of fact, the only step which we could have taken with safety. He had heard that it was the intention of some hon. Members to propose, as an amendment, the appointment of a Committee to examine into the details of this plan. Such an amendment, if proposed, he could not support. He thought that it was much better to leave the details of this plan in the hands of Government, than to encumber them with useless support in explaining and amending it. He could not vote for either proposition then before the Committee. He could not vote for the noble Lord's proposition for immediate nor for the right hon. Secretary's plan for ultimate emancipation. He felt himself to be so ignorant of all local circumstances, so unacquainted with the affairs of the colonies, as to be unprepared on the first hearing of these Resolutions to say, whether the plan of the right hon. Secretary was or was not the best for the gradual but ultimate abolition of slavery. He would turn to the plan of the noble Lord, which was a plan for effecting the immediate abolition of slavery. Though the noble Lord was ready to support four or five of the Resolutions of the right hon. Secretary, he differed from him on others, for the noble Lord was a friend to immediate emancipation. Now, there were great authorities opposed to the noble Lord on that very point. The right hon. Secretary had referred to the authority of Mr. Burke, and had quoted the language which Mr. Burke had used respecting the confidence to be placed in the benevolent designs of the West-India proprietors. The right hon. Secretary had reminded the House of that part of Mr. Burke's letter, in which he said that "he had looked to all that the West Indian legislatures had done; that he had found that they had done little; and that that little was good for nothing—in short, that it was arrant trifling." Mr. Burke stated, that he had no confidence whatever in the Colonial Assemblies; he asserted the competence of Parliament to legislate on these subjects, and contended that the question of the abolition could only be decided by the Imperial Legislature. To the opinion thus given by Mr. Burke he would now oppose another opinion of Mr. Burke given on this question in the spirit of enlarged humanity. Mr. Burke said—'Whenever, 'in my proposed reformation, we take our 'point of departure from a state of slavery, 'we must precede the donation of freedom 'by disposing the minds of the objects to a 'disposition to receive it without danger to 'themselves or to us. The process of bringing free savages to order and civilization 'is very different. When a state of slavery 'is that upon which we are to work, the 'very means which lead to liberty must 'partake of compulsion. The minds of 'men being crippled with that restraint, can 'do nothing for themselves; every thing 'must be done for them. The regulations 'can owe little to consent. Every thing 'must be the creature of power. Hence it 'it is that regulations must be multiplied, 'particularly as you have two parties to 'deal with. The planter you must at 'once restrain and support, and you must 'control, at the same time that you ease, the 'servant.' These remarks appeared to him dictated by great wisdom. Many years had elapsed since Mr. Burke first advanced those doctrines: but could any man say that the slave was then better qualified than he is now for the possession of freedom? That was a question not as to the convenience of the white proprietor, but as to the interests of the slave himself; for the interests of the slave were as much involved as those of the master in the satisfactory solution of this matter. In the course of the discussion, allusion had been made to the opinion of dissatisfaction entertained by Mr. Canning with regard to the proceedings of the West-Indian legislatures. He was compelled to express his full concurrence in the feelings of dissatisfaction entertained by Mr. Canning. He thought that the legislative bodies in the West Indies had not done either all they ought, or all they might. He thought that much of the difficulty of our present situation arose from their reluctance to take measures to satisfy the public mind in this country, and to ameliorate the condition of the slaves in their respective islands. He never could see any objection to qualifying the slave to give evidence in all cases in courts of justice; for he believed that the chief security against falsehood was in the cross-examination to which the slave was exposed; and he could not convince himself that the slave was at present possessed of that skill, and talent, and ingenuity, which would enable him to baffle the efforts of a skilful examiner to sift out the truth before a jury of whites. The question was not, however, whether the legislatures of the West Indies had neglected their duty to the slaves, but whether the slaves, in point of moral improvement, were fit for freedom. It would be no answer to him to say, that the legislatures had neglected their duty, for he should reply, "It matters not; prove only to me that the slave is fit for freedom, and I will confer it on him; but I will not confer it on him, merely because you tell me that the Colonial Assemblies have neglected their duty." Whilst on this subject, he wished the House to recollect the eloquent language of Mr. Canning, who described the negro as a being with the form and strength of a man, but with the intellect only of a child. 'To turn him loose;' said Mr. Canning, 'in the manhood of his 'physical strength, in the maturity of his 'physical passions, but in the infancy of his 'uninstructed reason, would be to raise up 'a creature resembling the splendid fiction 'of a recent romance; the hero of which 'constructs a human form, with all the 'corporeal capabilities of man, and with the 'thews and sinews of a giant; but being 'unable to impart to the work of his hands 'a perception of right and wrong, he finds, 'too late, that he has only created a more 'than mortal power of doing mischief, and 'himself recoils from the monster which he 'has made.' On that occasion, what said the hon. member for Weymouth? He was not going to quote now what the hon. Member said then, for the purpose of taunting him with inconsistency; but when the hon. Member told the House the other night, that he had not asked for more for the slave in 1823, because in his opinion the public mind at that time was not prepared for more, he took credit to himself for moderation to which it might be proved from the hon. Member's own mouth that he was not entitled. He would prove that to the hon. Member's own satisfaction, or, if not to his satisfaction, at least to his conviction. The hon. Member did not refrain from asking more for the slave, because he thought that the slave would not benefit from having more—quite the reverse. He said, in as many distinct words, "I think the slave is not qualified at present for freedom—if he were, I would demand it for him at once." The very words the hon. Member used were as follow:—'I now come to tell 'gentlemen the course we mean to pursue: 'and I hope I shall not be deemed imprudent if I throw off all disguise, and 'state frankly, and without reserve, the 'object at which we aim. The object at 'which we aim is the extinction of slavery '—nothing less than the extinction of 'slavery—in nothing less than the whole of 'the British dominions: not, however, the 'rapid termination of that state—not the 'sudden emancipation of the negro—but 'such preparatory steps, such measures of 'precaution, as, by slow degrees, and in a 'course of years, first fitting and qualifying 'the slave for the enjoyment of freedom, 'shall gently conduct us to the annihilation 'of slavery. Nothing can more clearly 'show that we mean nothing rash—nothing 'rapid—nothing abrupt—nothing bearing 'any feature of violence, than this—that if 'I succeed to the fullest extent of my desires, confessedly sanguine, no man will 'be able to say, I even shall be unable to 'predict, that at such a time, or in such a 'year, slavery will be abolished. In point 'of fact, it will never be abolished: it will 'never be destroyed. It will subside; it 'will decline; it will expire; it will, as it 'were, burn itself down into its socket and 'go out. We are far from meaning to 'attempt to cut down slavery in the full 'maturity of its vigour. We rather shall 'leave it gently to decay—slowly, silently, 'almost imperceptibly, to die away, and to 'be forgotten.'* The hon. member for Weymouth said expressly, "I insist on the right of the slave to freedom. I deny that you either have, or ought to have, any property in him. It is from no deference to your wishes, but because I think him yet unqualified for the donation of freedom, that I now decline on his behalf to ask you for it." If such were the opinions of the hon. Member then, was it not necessary now that the hon. Member should prove that the slave is now qualified for freedom? He (Sir Robert Peel) admitted, that the progressive improvement of the slave since that time might impose upon us the necessity of granting him freedom; but if he had not made that progressive improvement, if he remained still unqualified, then it was against the interest of the slave that freedom should be conferred upon him. If there were any force in this argument in 1823, surely there was as much force in it in the year 1833 as at the former time. He had looked through the evidence which had been collected upon this subject, and he was peculiarly struck with the evidence of

---

* Hansard (new series), ix. p. 265.

Captain Elliot, the protector of slaves at Demerara, who wrote with singular terseness and ability. The leaning of his mind was decidedly against immediate emancipation. He would not detain the House by looking for that Gentleman's evidence; but his opinion was, that the slave was not in a condition to be trusted with the power of labouring for his own subsistence. Instances had been mentioned in which freedom had been conferred upon the slave without any danger to the society in which he lived. A gallant Admiral had stated facts which fell within his own observation, to justify the inference that freedom might be safely granted to the slave. He had mentioned the case of the Caraccas; but there were circumstances which made that not a case in point. The gallant Admiral said, that freedom was then conferred upon the slaves who were labouring in the sugar-plantations; but he added, that the country was then divided by conflicting factions,—that each manumitted their slaves—that the slaves entered the army, and after serving some time in it, returned to their plantations, and were content to work as free labourers. In this case the severe discipline of the army qualified them for free labourers, and supplied the place of their former coercion. No safe deduction could, however, be drawn from what happened in the Caraccas as to what would happen in the West Indies. In Venezuela, the physical distinctions were not so great as in our colonies, and, as was well observed by the noble Lord, the member for Liverpool, the slaves did not constitute more than an eighth of the whole population. Now it might be safe to confer freedom on the slaves, where they formed only a small minority of the community, and yet there might be no safety in conferring it upon them where they constituted the great majority. He was not convinced by what he had heard from the hon. member for Weymouth on the present occasion, he would rather be guided by what he had said in 1823. He would now come to the plan of the right hon. Secretary, who proposed that the slave should be apprenticed for twelve years to his master, but that the slave should be entitled to demand his freedom at any intermediate time on tendering a certain fixed value; but suppose that some slaves should not wish to demand their freedom at any time, but should prefer remaining as they were, what would follow? Why, that there would still be two classes—one of slaves and one of apprentices, and for the one the whole slave code would have still to be continued: would not that be a great and inconvenient anomaly? But it was proposed that they in the present Session should, by an Act of the Imperial Legislature, make a law which was to apply equally to all the colonies, differing, as they did, in so many things in their internal government, some of them being peopled by English, some by Dutch, and others by French or Spaniards. Was this law to be equally applicable to the Mauritius, to Demerara, and to Jamaica? And were they to pass this general Act, applying thus equally to all the colonies, without further inquiry as to whether this plan should be adopted in preference to any other? See how different was the system with respect to the mode of supporting the slave in some of the colonies. In Barbadoes the slave was paid by a sort of truck system,—in Jamaica, he had a certain allowance of provisions given to him, but in each of the colonies there was some peculiar difference. How, he would ask, could they during the present Session arrange all the details necessary for the application of the principle of this resolution to all these colonies? But how was it possible they could do so without the co-operation of the colonists? The House could have no interest in creating angry feelings amongst them, and their co-operation was indispensable to success. The ground which the slave cultivated belonged to his master, as did the house which he inhabited. Was he not to continue in the occupation of both? If he were, was it not of immense importance to the success of the scheme, to have the assistance of the planters? Do not trust to them for granting the principle. Take that from Parliament; but, in carrying it into execution, do your utmost to secure the good-will of the planters. It might be said, that the Colonial Legislatures would refuse their assistance, and that colonial proprietors would throw obstacles in the way. But armed as his Majesty's Government would be, with the authority of Parliament, it would be for the interest of the Colonial Legislatures and proprietors to co-operate with it; and the House might rely upon their doing so. It was an important part of the noble Lord's plan, that it gave the Colonial Legislatures the choice of the mode in which they would emancipate their slaves. But the plan of the right hon. Secretary took away from them the power of performing this act of grace; and might not the right hon. Gentleman advantageously borrow, if time were given him to consider of it, that part of the noble Lord's plan? At present, you propose to give slaves almost all the privileges of freemen, but have taken no precautions against their abuse of those privileges. It was said that the Government was to have the power of appointing stipendiary magistrates; but none were yet appointed. It was proposed at once to confer freedom upon 800,000 slaves, but as yet no precautions were taken to ensure success. If the people of this country, not satisfied with laying the foundations of ultimate liberty, insisted upon immediately granting it, even to the prejudice of the slave; if they were mad enough to force such a project upon the Government, they assumed a responsibility which not only no sane man, but no philanthropist, no real friend to the slave, would be willing to adopt. It was a part of the plan, that all children hereafter born, and all now six years of age, should be free; but would it not be desirable, even for the safety of those children themselves, that preparatory measures should be taken before effecting so great a change? The news that a bill had passed for the emancipation of the slaves in the colonies would reach its destination in September or October, without any preliminary police regulations to ensure the continuance of good order. The master would then have no direct interest in providing for the children of slaves, and the House would have made no provision for their custody, and maintenance. Even in foundling hospitals, no sudden accession of children to be provided for could be met, without previous preparation. How could any man propose such a change as this, then, without changing the laws which govern the support of children? Was it quite certain that this was the best mode by which slavery could be abolished? In other cases a gradual abolition had taken place. In South America, Bolivar gave freedom to certain classes of slaves. Slavery had been abolished in some of the United States, but the slaves were liberated in small bodies. In the State of New York, it had been decreed that slavery should expire in ten years from a certain date. In the Spanish colonies a principle was acted upon which did not apply to the present plan. In the Spanish colonies the slave had a greater number of free days allowed him to work. All the Saints-days were holidays. In Cuba, too, various regulations were made in respect to the time which they had allowed to themselves. They had every Sunday besides, and they were paid for their labour on these days. They might demand their freedom by purchase, or, if they had not sufficient money for this, they might purchase another day, so as to have three days to themselves. He knew not whether such a principle was applicable to their own colonies, but it had the great advantage of holding out a stimulus to exertion while it provided for the gradual extinction of the evil. He was sorry that the hon. member for Weymouth objected to the slave paying any thing. It would act as a stimulus to exertion and industry. He would say, by all means treat the slave with humanity; do not use the whip to force him to work; but could the permanent benefit of the slave be secured without some stimulus to labour? Look at the consequences of emancipation in some of the Eastern States of America, where slavery had been abolished for some time. In these the price of labour was high; the emancipated slaves had every encouragement to labour; no prejudices existed against them as in other parts of the United States, wages were high; yet in these very States, such was the degradation and misery to which the emancipated slaves were reduced, that philanthropists saw no other remedy for the evil but sending them to a colony on the coast of Africa. Mr. Deway, who was represented as one of the warmest advocates for the abolition of slavery in America, said, that so strong was the feeling of the people with respect to men of colour, that it was utterly impossible to raise them in the scale of society, and that the gift of freedom had only tended to diminish their numbers and means of support, without giving them any real advantage in their moral and civil condition. He mentioned this circumstance, not for the purpose of throwing any difficulties in the way of emancipation, but to show that the regulations with which it ought to be attended required the utmost consideration. The same results would follow in the colonies as in the Eastern States of America if these measures were conducted without due caution. It was not their wish or their object to give domination to the blacks over the whites, but to produce an industrious class of cultivators, willing to labour and to reap the profits of their industry. This they might effect if they acted so as to conciliate the good-will and co-operation of the colonists. If the experiment now proposed should fail, it might have the effect of retarding the progress of emancipation in other states, and materially affect the situation of their slave population. Unless they proceeded with great caution, they might, in fact, instead of advancing the liberty only confirm the slavery and do irreparable mischief to the black population. The hon. and gallant Admiral (Fleming), in the course of this debate, told them that the blacks in St. Domingo would not work on sugar plantations, but that they were willing enough to perform work of a different kind; that they raised plenty of subsistence for themselves; that they were not in rags or in distress, but had plenty of food and seemed happy. These observations of the hon. and gallant Admiral might be applicable enough to the question, if the object proposed by them was to raise up twenty St. Domingos, but their object was not to abandon, but to continue, the cultivation of sugar, to enable the white population to remain in the colonies, and to set the example of order and industry to the blacks. If the plan should fail, what would then be the consequence? There were 4,000,000 cwt. of sugar consumed in this country, the produce of our own colonies. Suppose this cultivation to fail in consequence of this measure, did they think the use of sugar would cease here? Impossible. It had become a necessary of life, and would still continue in as much demand as ever. Now, let those who opposed slavery, who were ready to run any risk for the abolition of it, to endanger life and property for that object, to risk a revenue of 5,000,000*l.*—let them consider what might be the effects on slaves of other states if this experiment did not succeed. The Gallant Admiral informed them that free blacks would not labour on sugar plantations. Well, then, let some stimulus be provided to induce them to labour in the cultivation of sugar, in lieu of coercion; or otherwise, while they emancipated their own slaves, they must aggravate the miseries of the slaves of other colonies. Our colonies might become wildernesses, to-morrow they might be all reduced to the same state as Saint Domingo, but sugar would continue to be used. It had become a necessary of life, and no revenue regulations could possibly prevent the introduction of it into the country. What, then, must follow? If the cultivation ceased in our own colonies, other colonies would supply the demand. In many colonies the traffic in slaves still continued. Would it not still continue when the demand for sugar, the produce of these colonies, would be increased by the demand from this country? Even if the slave trade should be abolished as regarded other states, would not the existing slave population be more hardly worked to supply the increased demand? It might be said, they had nothing to do with the slaves of other states, that their business was only to emancipate those of their own colonies. It might be so legally speaking; but was there no moral responsibility? Would it not be an aggravation of t h evil which it was the object of those benevolent individuals to prevent? If our experiment should fail, would not the failure deter other states from following our example? It had been said by the hon. and learned member for Dublin, that no pecuniary consideration should prevent their adoption of the principle of emancipation. The question, he said, was one of humanity. That was exactly the language held by the National Convention of France. On the 4th of February, 1794, the National Convention determined on the abolition of slavery. The Assembly was just as impatient to come to a division on the question, as some hon. Members then appeared to be. Two deputies from St. Domingo were presented to the representatives of the nation, and were received with the warmest expressions of interest and fraternity. Several Members spoke of the right of the coloured people to immediate emancipation, and one called upon the Assembly not to dishonour itself by further discussion. The Assembly rose, and voted by acclamation; and the President pronounced the abolition of slavery, amidst cries of "*Vive la Republique!*"—"*Vive la Convention Nationale!*" The Deputies were conducted to the President, who gave them the fraternal kiss, which was also given them by the whole Assembly. Tears of joy were in all eyes,—"*Vive la Liberté!*" in all mouths—and Danton made a speech, in which he proclaimed the triumph of liberty, and the downfal of England. He would abstain from detailing the atrocities which followed in St. Domingo—the House was well acquainted with them. He would only observe, that all the disorders which had been described as occurring there, also occurred in the French colony of Guadaloupe. A general officer, reporting upon the state of that island shortly after the emancipation of the slaves, described all the habitations as ruined, all the proprietors reduced to a state of beggary, and the slaves as having turned pirates to attack neutrals and the English, by whom many of them were taken and sold as slaves. Seeing this wretched state of things, the French governor attempted to enforce in Guadaloupe the regulations adopted by Toussaint in St. Domingo; but he being a white, they resisted the imposition of those regulations. Torrents of blood were shed; and, finally, slavery was again established in Guadaloupe, as a less evil than liberty indiscriminately given. With these warnings before them, he implored the House, for the sake of the slaves themselves, to come to no precipitate decision on the question. He implored it, after recognising the principle embodied in the first Resolution, to apply it with discretion, and to take care that they did not, by legislation, increase the hardships of slaves in the Brazils and Spanish colonies, instead of obtaining any mitigation of their lot. Let them not lay themselves open to the taunts—"Had you tried your experiment with more caution, we might have been free." If they proceeded cautiously, they might, probably, have the satisfaction—the highest which a Christian Legislature—which human being—scould enjoy—of setting an example of such wisely-regulated humanity, that it was worthy of being followed by all the world. But if they refused after establishing the principle of liberty, to accommodate that principle to the state of society in the colonies—if they proved that the emancipation of the slaves was not accompanied with increased security to life and property—if they induced the United States, with two millions of slaves, to persevere in refusing to them religious education and knowledge of all kinds, for fear of the use they might make of it, they would sacrifice the interests of England, and would incur, if not the guilt, the grave responsibility of having, by a precipitate attempt to ameliorate the condition of our own slaves, aggravated the hardships of those who were exposed to a more bitter fate in other parts of the world.

Lord *Althorp* said, he concurred almost entirely in the observations made by the right hon. Gentleman. He concurred in the great importance of the measure, not only as it might affect the interests of this country, but also the slave population of other countries; but still he must say, that the danger of remaining as we were was still greater. The only difference between the course recommended by the right hon. Gentleman, and that proposed by the Government, was in the point of time. The right hon. Gentleman thought the House should agree to resolutions for the abolition of slavery, but put off the execution of the plan to some future time. He could not at all agree to such a proposition. Indeed he believed the worst possible consequences would follow from agreeing to resolutions without any practical effect. Different plans had been proposed by hon. Members; but there were none to which he did not see great objections. The right hon. Gentleman had recommended, that coercion should still be resorted to, till the slaves could be brought to such a condition as would fit them for free labour. Now, there was no great difference between that plan and the plan proposed by Government, which still continued, to a certain extent, coercive measures, and at the same time held out an inducement to work. The cases of St. Domingo and Guadaloupe had been quoted, but these were not at all in point; and he would appeal to the House, whether the situation of the slaves in these colonies at the time of the disturbances, were not very different from the situation of the slaves in the British West-India Islands now. At the former period, the great proportion of the slaves had been lately imported from Africa, and were in the most barbarous state; whereas the slaves in our possessions, though not civilized, were comparatively so, and had acquired habits of industry which those of Saint Domingo did not possess. Much had been said about the indolence of the slave population, and instances had been cited to prove this; but though some slaves might have exhibited such a disposition, surely it was not to be taken for granted that all were equally destitute of habits of industry. The right hon. Gentleman had laid a good deal of stress on the first Resolution, and had blamed the Government for calling on the House to agree at once to resolutions which would emancipate the slaves immediately. Now, that was not the import of the Resolution. It did not say, that emancipation was to be immediate, but that measures ought to be taken to carry it into effect. His noble friend (the late Under-Secretary for the Colonies) objected to the amount of compensation, and thought 20,000,000*l.* should be granted, instead of 15,000,000*l.* For his part he considered 15,000,000*l.* quite sufficient. The whole West-India property had been estimated at 45,000,000*l.* sterling, and he thought a third of that sum the full amount to which the West-India planters were entitled, for taking away one-fourth of the labour of the slaves—that he thought was not an unfair proposition; but he was not at all prejudiced in favour of one sum more than another. The hon. member for Dublin, said the time had now passed, as emancipation had been agreed to by the resolutions of 1823; but it ought to be remembered that though the resolutions were agreed to at that period, the colonial Legislatures had done nothing, and the slaves remained in the same state as in 1823. Looking at the Resolutions in every point of view, he thought them the most desirable for the Committee to adopt, and he trusted that such was the view taken of them by the great majority of Members.

Mr. *Hume* suggested, that as they were nearly all agreed on the principle of the first Resolution, it would be as well if the hon. member for Kidderminster, (Mr. Godson) would consent to withdraw his Amendment, as he could move it at a future stage of the proceedings.

Mr. Godson consented to that course.

Mr. *Secretary Stanley* said, that, as it was not the intention of the hon. Member to divide upon the Amendment, he should observe that, in the future course of prosecuting this measure, it would be necessary for them to have the Colonial Legislatures assisting them; for, without their concurrence, there would be but a faint chance of carrying it into successful execution. It was, however, absolutely necessary, that the British Parliament should take the initiative step, and declare at once explicitly that there was no longer the smallest chance of avoiding emancipation. The first steps taken, the details might be filled up by the Colonial Legislatures; for he was willing to admit, that at this period of the Session, Parliament could not enter into all the various details of a measure of such magnitude. Though he so far agreed with the right hon. Baronet, yet he could not agree with him in thinking that Parliament should only indicate what it wished to be done. He would go a step further, and make a beginning at once, and leave the details to be filled up by the Colonial Legislatures; but he would have even a provisional execution of those measures, that was, that if the Colonial Legislatures did not fill up the outline which we drew by a day to be named, we should, in the next Session, however much time it might take up, or with whatever trouble or danger it might be attended, go through the whole of the details, and take immediate measures for carrying them into execution. In conclusion, and now that the principal Resolution was about to be adopted, he could not but congratulate the House and the country, and the friends of humanity in general, that the fiat of emancipation was gone forth from the British House of Commons, and that all that now remained to be settled was a question of pounds, shillings, and pence.

Sir *Robert Peel* moved, in order to mark his opinion of the impolicy of any hasty measure, that the word "immediate" be expunged, and the word "effectual" should be substituted. Also that the word "ultimate" should be introduced; so that the resolution should run, "that effectual measures should be taken to secure the ultimate abolition of slavery"—["*No,no!*"] He should not press it to a division, but as immediate abolition could not take place, he thought the Resolution thus amended would be more consistent with the acknowledged intentions of the Government.

Sir *Robert Inglis* was of opinion that the right hon. Secretary, would find himself as unfortunate in the use of the words "immediate abolition," as he had already found himself in the words "extinction of tithes."

Amendment negatived.

The first Resolution put and agreed to.

The House resumed, the Committee to sit again.

* * *

HOUSE OF LORDS,

Tuesday, June 4, 1833.

MINUTES.] Bill. Read a third time:—Dramatic Authors; Soap Duties.

Petitions presented. By Lord DUNDAS, from Heckmondwicke, against the Corn Laws; from Lotthouse, for Relief to the Dissenters in respect to Marriages, Registration, and Church Rates.—By the Earl of SHAFTESBURY, from the University of Glasgow, for a Repeal of the Apothecaries Act.—By Earl GREY, from Glasgow, in favour of the Royal Burghs (Scotland) Bill; from three Places, for an Extension of the Civil Rights of the Jews.—By the LORD CHANCELLOR, Earls GREY and ROSEBERRY, and Lord SUFFIELD, from a Number of Places,—against Slavery.—By Earl GREY, from a Methodist Congregation of South Shields, for the Abolition of Slavery upon just and equitable terms only.

COLONIAL SLAVERY.] Lord *St. Vincent* rose to present to their Lordships a petition of merchants, traders, planters, and others, relative to the West-India colonies, and expressing their disapprobation of the measures proposed in another place for the extinction of slavery. The noble Lord stated, that as doubts had been expressed with respect to the planters' right of property in negroes, he would shortly state the manner in which that property had been established. The slave trade had existed as long back as the time of Queen Elizabeth, and in the reign of William 3rd an Act was passed to encourage the African trade, which, while it imposed a tax on almost every article of commerce, left the importation of negroes free of duty. In the 13th and 14th of George 3rd, a statute passed, encouraging foreigners, as well as the people of this country, to invest their money in colonial securities: specifying those securities to be "lands and slaves." Mortgages were effected upon the faith of that Act; and Parliament would not be acting justly if, in making arrangements for the liberation of the slaves, they neglected to give a fair consideration to the claims of both the mortgagees and the mortgagers. By the 58th of George 3rd, the manner in which these mortgages should be effected was particularly specified; and in another very important Act, he meant the Act of Registration, the right of property in slaves was expressly acknowledged. But it had been frequently said, in that House, that the West-India proprietors had no abstract right in slaves: now, he was at a loss to conceive what was meant by abstract right when put in opposition to the established law of the land. The Common-law and the Statute-law were the foundation of every description of property; but if they once admitted the doctrine of abstract right, where were they to stop? The whole fabric of society would be split to pieces if the wedge of abstract right were once entered into any part of it. It was not only in the colonies that the existence of slavery had been recognized by Act of Parliament; it existed in Scotland up to 1775, at which period it was abolished, as the preamble of the Act stated, not because of the grievances suffered by the bondsmen, or for the sake of principle, but for the sake of the owners of the mines to which these bondsmen were attached. This was a case of great importance, and he would leave their Lordships to apply it to the subject of colonial slavery. It was of great importance that whatever might be done by the Government with respect to the West Indies should not be considered by any party as an act of spoliation. There ought to be some fair rule by which to estimate the value of the property of those colonies. He was aware that a calculation had been made, but he did not think, that that calculation was satisfactory either to the public or the planters. He admitted that but one opinion existed in the country with respect to the abolition of slavery, and the petitioners stated, that they had no wish to throw unnecessary obstacles in the way of the accomplishment of that object. Upon this point he was bound to do justice to the desires manifested by the colonial authorities, and particularly by the Assembly of Jamaica. They had always expressed a wish for the abolition of slavery, provided only that due attention was paid to their interests. It was of great importance that this country should have the co-operation of the colonial authorities in the arrangement of any plan for the abolition of slavery: for it was very much to be feared that if the British Legislature by a bold stroke dissolved the tie existing between the negroes and the proprietors, the slaves would no longer feel that respect and affection which they on many occasions evinced for their masters. He would propose that Commissioners should be appointed and sent out to the West Indies for the purpose of co-operating with the colonial authorities. By this means information of the greatest value could be collected, and plans suggested for the settlement of all the various and complicated interests involved in this arduous question. The noble Lord (after stating that in the fertile country of the West Indies, one day's work was sufficient to supply the negro with the means of subsistence for a week, and that consequently some greater stimulus than mere necessity was required to induce him to employ his time profitably to the country and his master) concluded by presenting the petition, which was read at length.

The Earl of *Ripon* began by expressing his gratification at the manner in which his noble friend had introduced the petition to their Lordships' notice. His noble friend, like the petitioners, was deeply interested in the result of this question, and he had expressed himself with a moderation, good sense, and good taste, highly creditable to himself. But there had been found persons, equally interested, who had not adopted the same moderate tone. He, therefore, hailed the temper manifested by his noble friend as one of the most favourable omens with respect to the ultimate settlement of this difficult question. His noble friend had referred to a series of laws passed by the Legislature of this country, by which the right of property in slaves had been confirmed to those who had the misfortune—for so he (the Earl of Ripon) could not but consider it—of possessing them, and had urged that fact as a reason why the Legislature should not withdraw that species of property from them without giving full compensation. He would not then enter into the abstract question of the right of slavery, but could not help observing, that all the feelings of our nature, and all those principles which must be eternally true, declared, in fact recoiled, against identifying a property in lands or movables with an unrestricted right of possession over the labour, persons, and, if he considered the matter historically, he feared he might add, the lives, of their fellow-creatures. But though the best feelings of their nature were opposed to the recognition of such a species of property, he yet held that as the law of the land had created a right of property in negro slaves—as the State was a party and participator in its existence, it would be most unjust to exempt the State from its share of the consequences. If the Legislatures of former days had, acting as he asserted on most mistaken principles, thought it fitting, with a view to promote the commerce of the country, that all those natural feelings should be overlooked, and that an Act should be passed sanctioning a right of property in slaves, in common justice the State was bound to share in the expense of amending the ill effects of the enactments of its own Legislature. If, therefore, any measure for the abolition of slavery should come before their Lordships, it should be considered in reference to this fact and principle—that a national wrong required a national remedy—that is, that the nation should contribute towards compensating for a wrong inflicted by its own institutions. He had always felt, that though many most grievous and most revolting instances of the abuse of the authority of one man over another might be too easily cited, yet that it would be an act of great injustice to visit upon a community the crimes of a few, or even of more than a few, in getting rid of the parent system of all the evils. What he meant was, that the abuse of the authority was the exception, and not the rule, and that, therefore, as the existence of slavery had a national and legislative sanction, that the Legislature and the nation should share in the burthens to individuals of its abolition; and that the proprietors of slaves, as a body, should not suffer for the bad acts of individuals. If any specific measure for the abolition of slavery should, in the course of the Session, come before him, he should be prepared to show, in detail, that the most careful examination of circumstances had led him to the conclusion, that the time, the period—which no mere human hand could have delayed—was arrived, when Parliament must of necessity deal with the question with a view to its final settlement. Experience had shown, as in other great questions which had in vain been staved off to the last moment, that the question of the total and permanent abolition of negro slavery had been blinked and delayed, till at length it had acquired a force from continued compression, which rendered it impossible longer to be trifled with. He should also be prepared to show, that Ministers had brought forward measures in reference to the condition of the negro population of our West-India colonies, not with a view to promoting the doctrines or opinions of any individual or party, but with a view to the safety of the colonies themselves, and of the interests of the public at large. The time was arrived for legislating in this spirit, and he was sure the House would approach the discussion of a measure purporting to be a final issue of the subject calmly and considerately, and with a determination to do justice to all parties, without injury to the interest of any class in the empire.

Lord *Suffield*, in presenting a petition for the abolition of slavery from Cork, wished to take the opportunity of saying a few words on what had fallen from the noble Earl. The noble Lord argued, that the British public, who had so long acquiesced in the robbery and murder which had been going on in the colonies, ought to share in the payment of the penalty. Provided that justice were done to the negro, the wrong-doer, and those who acquiesced in the wrong, they might settle the matter of compensation as they pleased. It would be waste of time to prove the existence of the evils which were inseparable from the present system. He denied the existence of a right of property in man; it was contrary to reason, it was contrary to religion, it was contrary to the law of nature. But it was said, that the Acts of Parliament which had been passed upon this subject, proved the right of the owners of the slaves to consider them as their goods and chattels. To him it appeared to be quite the reverse. If the slaves were actually the goods and chattels of the planters, they would not have been so interfered with. The negroes were men —they had souls—they were responsible to their Creator. But how could they be responsible if they were not free agents? There was not a slave whose soul was not as dear to the Almighty, as the soul of any of their Lordships. Reverting to Acts of Parliament, he maintained that slavery never could be enacted. An Act depriving an innocent human being of his natural rights, without any equivalent, would be an Act destroying all law, and subverting all the principles of jurisprudence; the first object of which should be the security of the natural rights of human beings. What did Blackstone say in speaking of the absolute rights of human beings? "By the absolute rights of individuals, we mean those which are so in their primary and strictest sense; such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy, whether out of society or in it. But the principal aim of society is to protect individuals in the enjoyment of those absolute rights, which were vested in them by the immutable laws of nature; but which could not be preserved in peace without that mutual assistance and intercourse, which is gained by the institution of friendly and social communities. Hence it follows, that the first and primary end of human laws is to maintain and regulate these absolute rights of individuals. Such rights as are social and relative result from, and are posterior to, the formation of states and societies; so that to maintain and regulate these is clearly a subsequent consideration."—"The absolute rights of man, considered as a free agent, endowed with discernment to know good from evil, and with power of choosing those measures which appear to him to be most desirable, are usually summed up in one general appellation and denominated the natural liberty of mankind. This natural liberty consists perfectly in a power of acting as one thinks fit, without any restraint or control, unless by the law of nature; being a right inherent in us by birth, and one of the gifts of God to man at his creation, when he endued him with the faculty of free-will." In many of the remarks which he (Lord Suffield) had heard on this subject, it was evident that the speeches confounded absolute rights with relative rights; the former not being the subject of law, while the latter were. "The rights of the people of England," Blackstone observed, "may be reduced to three principal or primary articles—the right of personal security, the right of personal liberty, and the right of private property."—"The right of personal security consists in a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation."—"Personal liberty consists in the power of locomotion, of changing situation, or moving one's person to whatsoever place one's own inclination may direct, without imprisonment or restraint, unless by due course of law." He now came to that part of the subject which related to the competence of Parliament to enact the slavery of human beings. On this point, Lord Chief Justice Holt said, "the authority of Parliament is derived from the law, and if Parliament exceeds the law, its acts are wrongful and cannot be justified, any more than the acts of private persons." On that principle he denied the right of Parliament to enact slavery or to continue it, and to prove that this inference was not erroneous, he would remind their Lordships of what Blackstone said—"I have formerly observed, that pure and proper slavery does not, nay, cannot, subsist in England; such, I mean whereby an absolute and unlimited power is given to the master over the life and fortune of the slave. And, indeed, it is repugnant to reason and the principles of natural law, that such a state should subsist anywhere." It was evident, therefore, that, so far from its being law, the abolition of natural rights would be an act of violence. And yet, in the colonies, acts were constantly tolerated, for the commission of which in this country a man would be hanged. Owners! Who were so much owners of property in the colonies as the negroes? A negro was the owner of himself. Who was most robbed in the colonies? The negro. He was robbed, not only of his body which was his property, but of the energies of his mind. If a negro ran away for a couple of days to see his wife and children, on his return he was severely punished. He should like to see how an indictment for such an offence would be framed in this country. The criminal must be described as "an evil-disposed person, who did take, steal, and carry away, himself, against the peace of our Sovereign Lord the King, his Crown, and dignity." Their Lordships might suppose that punishments for such acts never could occur in the colonies. His answer was, that it had occurred. Mr. Jeremie, who was now in an official employment in the Mauritius, stated that in 1815, a negro boy having run away to see his mother, the boy, when caught, was adjudged to be hanged for endeavouring to rob his master, and the mother was condemned, for receiving and cherishing him, to witness the punishment, and then to suffer unlimited imprisonment. It might be thought curious, that he should bring forward only one instance of this kind; but he was anxious to do away even, the possibility of such an instance ever occurring. The question was, were slaves goods? At any rate, they were stolen goods. He had been asked the other night by a noble Lord, who stole the horse? His answer was, that it did not signify; for, the real question was, whether the horse had been stolen or not. At the same time he perfectly concurred with the noble Lord, that those who had acquiesced in and countenanced the wrong, should partake of the penalty. With that question, however, he did not meddle. He advocated the right of the slave to be free. He did not desire then to enter into any other part of the case. Abundant opportunities would occur, if the Bill should ever reach their Lordships, of discussing the provisions of it. What he had been then using his best endeavours to show was—which ought, however, to be sufficiently notorious—that there could be no such thing as one man having a property in another. It had been argued, on the other side, that because they found a man a slave, and because he had been a slave many years, that, therefore, they were entitled to keep him in slavery. If any one of their Lordships were unjustly confined in a mad-house, it might as justly be argued that because he was found there, and because he had been there for some time, that therefore he was a lunatic. Such an argument hardly deserved an answer. He repeated, that all men were born with certain natural rights; those rights might afterwards be modified for the general good; but no Legislature had a right to impose slavery on human beings. Guilty persons might be sentenced to slavery; but that was the exception, not the rule. No single individual, if innocent, could be justly made a slave of; and therefore no collection of individuals. He looked upon a negro in slavery as a plundered man, plundered of his most valuable possession, and entitled to restitution. As to the mode of restitution, and as to the way in which the burthen of restitution was to be shared, let that, as he had already observed, be settled between the doers of the wrong and those by whom the wrong had been countenanced.

The Duke of *Wellington*, in presenting a petition from the planters, merchants, mortgagees, and others, interested in the preservation of the British West-India colonies, said this petition was signed by 1,960 persons who contained among them some of the first bankers in the city of London. The object which they had in view in bringing the petition before their Lordships, was to draw their attention not only to the loss which they were about to sustain as individuals, but to the loss which would be sustained by the "great commerce" of the country in general. What he meant to say, was not to induce their Lordships not to pass the measure which had been brought forward by his Majesty's Ministers, but rather to induce them to proceed slowly, to proceed with deliberation, and above all, to proceed in concert with the Colonial Legislatures, in whatever measures might be adopted for the abolition of slavery. The petitioners stated the amount of the loss which they themselves would sustain by the proposed measure as well as that which would be sustained by the public (by the public he meant the public treasury), by the effects of it on the "great commerce" of the country. He considered that the colonies were worth to the country not less than 12,000,000*l.* per annum, of which the public received in taxes not less than 5,000,000*l.*; the proprietors had little more than 2,000,000*l.* The remaining 5,000,000*l.* were distributed between the manufacturers and shipping interest of the country. There were 240,000 tons of British shipping employed in this trade alone. Under such circumstances it was the duty of their Lordships, as well as that of the Government, to proceed with caution, and to secure to the public those advantages under the new system which it now enjoyed, and that supremacy in commerce which he hoped no government in England would ever take any step to lose. In all other cases where the emancipation of slaves had been effected, it had been so effected in combination with some amelioration in the state of the country where it took place. In that manner the emancipation of the great body of the slaves in the United States had taken place. They had been emancipated because it was discovered that it was cheaper to employ free labourers. In the present case it was not so. They were now called upon to force upon the colonies a measure of emancipation, and to force it at the expense of the public, and at the expense of all the injury which it was likely to do to the West-India proprietors. It had been found in the United States that the two races of men could not live amicably together. From the first occupation of the West-India colonies down to the present time the question of slavery had always been a question of difficulty and danger. Over and over again it had been the cause of insurrection. It had caused more difficulties and more evils than any other question whatever. At this moment it was not more certain than it was two centuries ago, that the black man could be brought to labour without that species of compulsion which was practicable only when he was in a state of slavery. It was still quite uncertain whether he could be brought to work for hire, if liberated, which after all, was the real question; and, therefore, it was necessary to be extremely cautious in their proceedings. It was impossible to carry the proposed measure into effect, without the concurrence of the local Legislatures. It was impossible to carry it into effect without incurring considerable expense; and all these circumstances rendered it necessary to proceed slowly, and take time for deliberation. He would earnestly entreat their Lordships never to lose sight of these considerations. There was another view of the question to which he must direct the attention of the House, arising from the state of society which existed in these islands. A large body of the proprietors lived in the West-Indies, in the midst of their slaves. Those persons were looking with the greatest anxiety at all the proceedings of the Legislature on this subject; and he entreated their Lordships to carry those proprietors with them in whatever measure they might deem it advisable to carry, not only for the sake of the parties themselves, but for the sake of humanity; for the sake of those unfortunate persons for whose benefit they were about to legislate. If they should neglect these precautions—if they should leave out of the question the Legislatures of the respective colonies — and the feelings of the proprietors—if they should proceed with too great haste and with too little deliberation, and if they should neglect to provide the requisite compensation for the losses of the proprietors, he dreaded that scenes would occur which he should be sorry to see, similar to those which had taken place in some of the French colonies. He sincerely hoped that such scenes would not happen.

The *Lord Chancellor* rose to present a variety of petitions to the same effect. He would take that opportunity of observing, that the noble Duke had begged the question again and again. He would give an instance, without any sort of offence to the noble Duke, of the manner in which he had assumed facts. For example, the noble Duke assumed that 12,000,000*l.* was the annual value derived from the West-Indies. He did not quarrel with that; it might be right—it might be wrong; but he would take it as the value of produce derived from the West-Indies. The noble Duke took it for granted, that because 5,000,000*l.* was paid in duties on West-India produce; that it was paid from the West Indies, and paid by the West-India proprietors. It was however most undeniably so derived; this duty was paid on colonial produce; but the same sum would be paid into the revenue of this country, if the same duty were paid on sugar derived from other countries, but consumed in this country, and paid for by the consumer. It was the consumer who paid the duty. He would not say, that the consumer paid every farthing, because some part of the impost might be paid by the producer; that, however, would depend, in a great measure, upon the rise and fall of the markets; but the great bulk of the tax was paid by the consumer. As he was about to present a variety of petitions to the same effect as that presented by his noble friend opposite, he could not let the opportunity pass of expressing his great satisfaction at the calm and temperate and liberal tone in which the noble Viscount, who had presented the first petition, had performed his duty towards those who had intrusted it to him. He thought, that the advice addressed by the noble Viscount to the Colonial Legislatures was most judicious for him to give, and would be most beneficial to them to adopt; and he also agreed with the noble Duke in thinking, that the more his Majesty's Government could carry the Colonial Legislatures with them in the settlement of the question, the better it would be; but he differed from the noble Duke when he maintained, that until and unless the Colonial Legislatures should act, it was unfit for the Legislature of this country to proceed. Still less could he admit, that it was impossible for the Government of this country to perform its duty as well towards the slave as the free man—as well towards the negro as his master—as well towards the colonies as to the mother country; and to redeem its pledges so often given. If driven by the inefficient or the deficient proceedings of the Colonial Legislatures, he conceived that his Majesty's Government ought themselves to perform that which was the duty of both. He could not help thinking that no course was more likely to lead the Colonial Legislatures to the performance of their duty than the adoption of the sound and temperate advice which he knew they never failed to receive from the West-India proprietors in this country; and nothing was more likely to induce them to listen to that advice than the certainty that the two Houses of Parliament adopted the same views, and were determined to see the question settled upon fair and just grounds, and within a reasonable time. When he said a reasonable time, he meant as speedily as possible. Let their Lordships depend upon it that the sending out those Resolutions, one of which had been happily adopted without a division in the House of Commons last night, would in itself greatly conduce to that most desirable object, a speedy settlement of the question. But as long as the opponents of that settlement fancied that they were protected in that House of Parliament, which notion he trusted their Lordships would speedily prevent them from indulging, the settlement could not be effected in the most satisfactory way—namely, with the concurrence and co-operation of the West-India proprietors themselves. The noble and learned Lord then presented a petition signed by 3,292 females of Bradford, in Yorkshire; and forty-three other petitions, for the abolition of slavery.

HOUSE OF COMMONS,

Tuesday, June 4, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. SPRING RICE, an Account of the Number of Persons Employed in the Port of London in the year 1832, with the Amount of their Salaries, Pay, and Allowances, and stating the Reductions made since 1819: also the Gross Revenue collected in the said Port in 1819 and 1832, and the Rate per Cent at which it was collected.

Petitions presented. By Mr. LEECH, from Farnham, against the Tithes Commutation Bill.

CASE OF MR. BEAMISH.] Sir *Thomas Freemantle* presented a Petition from Mr. Beamish, who had been recently superannuated from the Navy Pay-office. The question arising upon this petition was not only interesting to this individual, but to the public at large, on account of the manner in which the superannuated pension list was filled up. The petition stated that he had been in his office for a period of twenty-seven years; he was appointed in the year 1805 to the situation of a clerk in the Navy Pay-office. During the last ten years of his service he had been at Plymouth, where he was at the head of the third class of clerks. At the time he entered into the public service there was an Order in Council, by which, after a service of a certain number of years, he would be entitled to a salary of 500*l.* He had, in consequence of that expectation, married, and he had brought up a family of nine children. He found, however, that the promotion he had expected had never taken place, and, indeed, notwithstanding the rule of seniority, others had been promoted over his head. In the course of the last year, a list was sent down by the Lords of the Admiralty, and without any incapacity on his part he was superannuated. He complained of the compulsory superannuation, as he was both able and willing to perform all the duties of his office, and being so, he objected to thus being made a pensioner on the public. The petitioner had presented a memorial to the right hon. Gentleman, the Treasurer of the Navy, praying for restitution to his office, or that the grounds of his superannuation might be stated—he had, in like manner, addressed other quarters, but failing in his objects, he had at last been compelled to appeal to that House to take his case into their consideration. This was the statement in the petition which he (Sir Thomas Freemantle) had undertaken to present, not with any view to cast a censure on the Government, but from a wish to assist the petitioner, if his case should allow of the interference of the House. He must say, that he should wish to know the grounds on which the right hon. Gentleman had recommended the dismissal of this petitioner from active employment, and he expressed this wish without the slightest desire to interfere with the rights of the Crown in dismissing any of its public servants. The petitioner now received a pension. In his opinion there ought to be no pension granted but on the abolition of an office, or on account of the incapacity of an individual from length of service to continue in the discharge of his duties. None ought to be granted in the case of removal for misbehaviour. The petitioner did not come under any one of these heads. How then stood the question with regard to the public economy? The salary of the petitioner before his removal was 367*l.* a-year. The individual who had replaced him, then, possessed a salary of 140*l.* a-year, making a total of 507*l.* The petitioner now received a pension of 226*l.* a-year, the present possessor of his office a salary of 300*l.* a-year, and a junior clerk a salary of 90*l.* a-year, making together a sum of 616*l.* a-year, leaving a balance of 109*l.* against the country in consequence of the change. He was indebted to the clearness of the documents connected with the offices under the control of the Admiralty for his ability to make this statement; and if the right hon. Gentleman at the head of that department was now present, he should have his (Sir Thomas Freemantle's) best thanks for the perspicuity of these official papers. The clerks in the Navy Pay-office had in number amounted to seventy-seven last year. From that number twenty-five were to be deducted as transferred to the Admiralty, which left fifty-two for the duties of the Navy-Pay-office. The number in the present year appeared to be only forty-six, but six of the senior clerks were put upon the superannuation list, and six of the junior class were promoted in their stead, so that there might be said to be twelve non-efficients added to the number, making the whole number fifty-eight, instead of fifty-two. The difference, therefore, especially remembering that there were six new appointments to fill up the vacancies occasioned by promotion of the six inferior clerks, was decidedly against the public. In the 7th page of the Estimate the expense of the last year was stated at 21,200*l.*, from which, if the salary of the twenty-five clerks transferred to the Admiralty were deducted, the amount would remain 16,080*l.* In the Estimates of the present year, the expense of the present year was stated at 13,810*l.*, but to this was to be added a charge for the non-effectives of 1,829*l.*, and for the six newly-appointed clerks of 1,830*l.*, making altogether an annual expenditure of 17,469*l.*, a sum exceeding the expense of last year. These were the observations he had been led to make from the perusal of this petition. If the explanation offered by the right hon. Gentleman should be satisfactory, there would be an end to the matter; if not, the House would, no doubt, allow him to take the course which he might under the circumstances think fit.

Mr. *Poulett Thomson* could but praise the temperate tone and manner in which the hon. Baronet had brought forward this question; but complained of his having introduced the subject of the Navy Estimates, on which, of course, he (Mr. Poulett Thomson) was not prepared without notice to give any answer. He should confine himself in his remarks to the case of Mr. Beamish. It was not the least painful part of the task of a public man, to have to reconcile the conflicting duty of obedience to the public call for retrenchment, with that of a perfect attention to the feelings and comforts of individuals. It was perfectly true, that by the Order in Council of 1822, the petitioner had been deprived of his promotion; but that was a public Order, from which he was only a sufferer in common with others. The petitioner asserted, that on public grounds of economy, and on those of possessing capacity, zeal, and ability, to labour, he ought to have been continued in office, and ought to have been promoted. The House should see how that question stood. The Treasurer of the Navy was a person to whom large sums of money were intrusted, and who was responsible for the disposal of them by those under his directions. The petitioner had never come under his (Mr. P. Thomson's) observation, as he belonged to the department at Plymouth, so that he could have had no personal feeling in his removal, which was to be justified upon economical as well as upon general grounds. The actual saving by retrenchment in the department to which Mr. Beamish belonged, had amounted to 404*l.*, and his retirement was the only one made in which it had been necessary to use compulsion. There were five clerks at Plymouth, which cost 1,940*l.* Subsequently to the change, and without superannuations, the expense was reduced to 1,386*l.*: to this sum were, however, to be added the superannuations, so that, the saving was not quite so great as it appeared by those figures. He was sorry to be obliged to state anything against the petitioner, but from the records in his office, and his own knowledge, he could say that Mr. Beamish, for personal reasons, could not have been retained with justice to the public service. He did not mean to impeach the petitioner's integrity—that was quite unimpeachable, but the minutes of the office showed that he had an infirmity of temper, accompanied by bodily infirmity also, which rendered him incapable of properly fulfilling his duties. Some of the allegations of the petition were so utterly void of foundation, that he could not help thinking that they were made in total ignorance of the fact. The individual complained of as having been appointed a clerk at 90*l.* a-year after the dismissal of Mr. Beamish, had already served for two years as an extra clerk, and was in every way unobjectionable; that appointment also had nothing to do with the dismissal of Mr. Beamish. On the ground of economy, therefore, as well as in consideration of the public service, he should have been guilty had he not proceeded as he had done in the case of the petitioner.

Colonel *Davies* fully acquitted the right hon. Gentleman of any personal motive, in the dismissal of Mr. Beamish, but thought it a case of considerable hardship. He had been requested to support the petition, but did not see in what way a remedy could be applied.

Sir *George Grey* bore testimony to the excellent private character of Mr. Beamish, who was one of his constituents. For a great many years, he had discharged the duties of his situation, with satisfaction to the head of the department, and with advantage to the public.

Sir *Edward Knatchbull* thought that the right hon. Gentleman ought to have been able to state some misconduct on the part of the petitioner, as a reason for his dismissal, after a service of twenty-seven years.

Mr. *Hume* was ready to support the hon. Baronet (Sir T. Freemantle) in a Motion for a Committee to inquire into the case, if he would bring the question forward in that shape. It was quite clear, that whenever the head of a department wished to remove one of the subordinates, nothing was more easy than to find a reason for it. In his (Mr. Hume's) judgment, no man could justly say that Mr. Beamish was unfit for the discharge of his duties, or for any new ones of the same kind which might be imposed upon him, and which he was ready to undertake, without the appointment of any new clerk, at 90*l.* a-year. As it was, he was dismissed at once; and, after long service, deprived of every chance of promotion. The case was well worthy of further investigation.

Sir *Thomas Freemantle* believed that that right hon. Gentleman had been imposed upon, and did not well know what he was about when he dismissed the petitioner, whose case was one, not merely of severity, but in his view, of positive injustice. At the same time he imputed no blame to the right hon. Gentleman, beyond allowing himself to be ruled too much by the representations of others. He would contend, in spite of the explanation given by the right hon. Gentleman opposite, that the case was one of great hardship, and it would be with him matter of very serious consideration whether or not he should submit to the House ulterior measures on the subject.

The Petition was laid upon the Table.

FOREIGN POLICY.] Lord *Ebrington:* Seeing my noble friend, the Secretary of State for Foreign Affairs, in his place, I wish to put a question to him relative to an occurrence in another place. The question which I desire to put is this:—Does there exist on the part of his Majesty's Government any intention to alter the course of policy to be pursued with respect to the relations subsisting between this country and Portugal? I am aware that a Motion upon this subject will regularly be brought under the consideration of the House by an hon. and gallant Officer on the other side, by means of a Motion, of which he gave notice yesterday; but I, nevertheless, think it essential that the House should be put in possession of the intentions of his Majesty's Government, and should receive from my noble friend an assurance on the subject. I am anxious to receive from my noble friend an assurance that no steps elsewhere taken will have the effect of influencing the policy of Ministers, until this House has had an opportunity of declaring its opinion upon a question regarding which it is as well entitled to express an opinion as the other branch of the Legislature. I repeat, that this House has as good a right as the other House of Parliament to express an opinion upon the foreign policy of this country; and I have every reason to believe, that when that opinion comes to be expressed, it will be found diametrically opposite to that of which we have heard in another quarter; and that not only does a majority of this House think so, but likewise a vast majority of the people who sent us here as Representatives. I consider it, therefore, essential that we should receive from my noble friend an assurance that there will be no change in our policy until this House has had an opportunity of declaring its sentiments. Not only does a difference exist between this House and another body on the question of foreign policy, but I am persuaded also, that differences exist upon several other questions of great magnitude and importance, involving the highest interests of the country; and that on this as well as on other questions, I entertain no doubt that we are sustained by a vast majority of the people of England.

Viscount *Palmerston:* During the period that we have had the honour to advise the Crown, we have with respect to Portugal, as with respect to all other matters of foreign and domestic policy, pursued that course which we thought most conducive to the interests of the country, and the dignity and honour of the Crown; and so long as we have the honour of performing the task of advising the Crown, we will not depart or swerve in the slightest degree from those principles which have hitherto governed our conduct.

China Trade.] Sir *George Staunton* said, in bringing forward a question of this nature, he laboured under the disadvantage of his Resolutions having been so long before Parliament, without his having had an opportunity of stating the grounds upon which they rested. He considered, however, that he was doing far better by bringing them forward at the present time, whilst the question was as yet *sub judice* between the East-Indian Directors and the Government, than if he brought them forward when the Government plan was finally arranged. The importance of the subject was evident by the fact that the private trade to China was fast increasing. There were now residing at Canton 142 British residents, and the private trade amounted to 25,000,000 dollars in the year, while that of the company was only 12,000,000 dollars. Last year there were thirty-seven vessels lying at one time at Linton, a small island on the coast, engaged in carrying on unmolested a contraband trade. That was a state of things not contemplated in 1813, and showed, that it was no longer a question whether the company should continue to have the monopoly of the trade. He felt satisfied, therefore, that a revision of our commercial arrangements with that country ought to take place. It could not be expected, that these conflicting parties would long live in harmony, nor could it be expected that either of them should be able to inspire the local authorities in China with respect, unless some higher power—some public representative were sent there to control both parties.—The hon. Member proceeded to read extracts from several documents, and to comment upon them in support of this view; when, on the motion of Mr. Sheriff Humphery, the House was counted, and forty Members not being present, the House adjourned.

HOUSE OF LORDS,

Wednesday, June 5, 1833.

Minutes.] Petitions presented. By the Duke of Somerset, from Liverpool, for the Removal of the Civil Disabilities of the Jews.—By the Earl of Kinnoul, from the different Corporations of Perth, for an Alteration in the Bankruptcy Laws.—By Lord Wharncliffe, from Padiham, for the Repeal or Modification of the Sale of Beer Act; and from Liverpool, for Poor Laws to Ireland.

HOUSE OF COMMONS,

Wednesday, June 5, 1833.

Minutes.] Petitions presented. By Sir Robert Frankland, from Thirsk, for the Reduction of the Duty on Excise Licenses.—By Dr. Baldwin, from Cork, for a

Repeal of the Legislative Union.—By Sir ROBERT INGLIS, from the Archdeacon and Clergy of Bath, against the Irish Church Temporalities Bill.—By Colonel CONOLLY, from Donagh; and Mr. J. SCOTT, from Alton, for a Law to ensure the Better Observance of the Lord's Day.—By Sir J. DALRYMPLE, from Edinburgh, for an additional Duty on Spirits; and from the same Place, for an Inquiry into the Manner of Forwarding the Mails between London, Bristol, Edinburgh, Manchester, &c.—By Mr. HERBERT CURTEIS, from the Licensed Victuallers of Battle, for Relief from the House and Window Tax; and from the Unitarian Dissenters of the same Place, for Relief from their Grievances.—By Mr. T. GLADSTONE, from the Inhabitants of Portarlington, for the Privilege of Electing their own Local and Municipal Officers.—By Mr. R. BIDDULPH, from Hereford, for a Repeal of the Taxes on Knowledge.—By Mr. SANFORD, from several Towns in Somersetshire, against the General Register of Deeds Bill.—By Mr. GILLON, from Linlithgow and Inverary, for Alterations in the Royal Burgh (Scotland) Bill.—By Mr. GILLON, Dr. BALDWIN, and Mr. HERBERT CURTEIS, from several Places,—against Slavery.—By Mr. SANFORD, Mr. KEMYS TYNTE, and Mr. J. SCOTT, from several Places,—against the Sale of Beer Act.

* * *

HOUSE OF LORDS,

Thursday, June 6, 1833.

MINUTES.] Petitions presented. By Lord LYTTLETON, from a Number of Places, for the Better Observance of the Lord's Day.—By the Earl of SHREWSBURY, from two Places, for Vote by Ballot.—By the Earl of SHREWSBURY, Lord SUFFIELD, and the Earl of ROSEBERY, from a Number of Places,—against Slavery.—By the Earl of ROSEBERY, from Stirling, against the Bankruptcy Law (Scotland) Bill.—By the Earl of LIMERICK, from Limerick, for Relieving Nonjuring Christians from the Pains and Penalties to which they are now liable from declining to take Oaths.

ANSWER TO THE ADDRESS.] The Marquess *Wellesley*, as Lord Steward of the Household, stated that he had been commanded to deliver his Majesty's Answer to the Address agreed to in their Lordships' House on the 3rd of June. The Answer was as follows :—

"I have already taken all such measures as appeared to me to be necessary for maintaining the neutrality which I had determined to observe in the contest now carrying on in Portugal."

IRISH CHURCH TEMPORALITIES BILL.] The Bishop of *Exeter* : I have to present to your Lordships a petition from the clergy of the archdeaconry of Barnstaple, in the diocese of Exeter, against certain measures which they understand are likely to be brought to the consideration of this House—measures, my Lords, deeply affecting the temporal and spiritual interests of the United Church of England and Ireland, in Ireland. My Lords, I have pleasure in saying, that these petitioners express themselves as "most ready to concur in any measures for the regulation and improvement of the United Church, which shall be deemed necessary for the interests of true religion, and the spiritual welfare of the community." In this sentiment there is not, I verily believe, a single body of clergy in the whole kingdom, who would not cordially and anxiously concur. And what I say of the clergy in general, I may say with the fullest confidence of the Bishops in particular. There is not one of us, my Lords, who does not regard the temporal possessions of the Church as a means which we should rejoice to see made as efficient as possible for the real and proper end for which those possessions are held—I mean, my Lords, the spiritual instruction of the people, and the advancement of the cause of true religion—of true religion, I say—and I am sure I need not contend before your Lordships that it is true religion only which it is the duty of the State to countenance and protect. And here, my Lords, I would conclude, were it not for one important consideration insisted on by the petitioners, to which I beg leave more particularly to invite your Lordships' attention. I mean the tendency of the measures against which they petition, to contravene some parts of the solemn obligation undertaken by his Majesty at his coronation. The petitioners humbly represent to your Lordships, "that his Majesty, in a solemn and public compact, has sworn before his people, not only to preserve unto the bishops and clergy of this realm all such rights and privileges as by law do or shall appertain to them, or any of them; but to the utmost of his power to maintain the laws of God, the true profession of the Gospel, and the Protestant reformed religion, as established by law." The petitioners further say, that they are convinced your Lordships "will never deliberately sanction any measures which would be found at variance with so sacred an engagement;" but they entreat your Lordships to consider whether some of the proposed measures "will not be found in their results to be fatally injurious to the security of the Protestant faith, which his Majesty is so solemnly bound to uphold." My Lords, I feel it my duty to address to your Lordships a few words more on the Coronation Oath, in consequence of what has been reported, probably very incorrectly reported, to have been said in another place on this subject. My Lords, it has there been said, that the application of this oath, its bearing on any particular measure which may be proposed, must be left to the conscience of the King. My Lords, if by this it be only meant, that the solution of such a question must be so left to the conscience of the King, that no advice of any of his councillors, no advice of any of his councils—no, my Lords, not even of the greatest of his councils, the great council of the nation assembled in Parliament—ought to weigh with him against the decision of his own conscience in a matter of so great and awful personal responsibility, I most heartily subscribe to the position. But if it be intended, that the interpretation of the Coronation Oath is so merely and exclusively a matter for the King's consideration, that Parliament has not the right, ay, my Lords, and is not bound in duty to take cognizance of that oath, and to consider most seriously whether any measure proposed for its adoption be of a tendency contrary to it; then, my Lords, I most respectfully, but firmly, controvert the position, as most pernicious, as most unfounded, as most unconstitutional, as little short of treason to the Constitution. My Lords, I need not remind your Lordships, that King James the Second was driven from the throne for violating the original compact between King and people. In the conference between the two Houses on that occasion, Mr. Somers, labouring to convince the majority of your Lordships' ancestors, who had at first refused to concur in the vote of the House of Commons, that the Throne was vacant in consequence of the violation of that compact—Mr. Somers, my Lords, triumphantly urged that the King "had renounced to be such a King as he swore to be at his coronation, such a King to whom the allegiance of the people is due." My Lords, after this, who will be bold enough to contend, that the agreement or disagreement of any proposed measure with the obligations of the Coronation Oath, is not a fit, ay, a most fit and most important matter for the deliberation of Parliament? My Lords, there cannot be a stronger reason for rejecting any measure, than that it is contrary to the Coronation Oath; for if it be, it is the first and most obvious duty of Parliament, as the council of the King, to refuse to place the Sovereign in a situation so painful as to be bound to reject a measure recommended to him by the authority of Parliament, because it is contrary to the solemn engagements which he contracted before God, and which he invoked God to witness and to sanction. My Lords, whether the particular measures understood by these petitioners to be likely soon to be submitted to your Lordships' consideration be indeed at variance with our Sovereign's oath, it would be premature at present to discuss. But it is my duty to the petitioners to contend, that it is not premature for them to address your Lordships on this subject, and to entreat and implore you to reject any bill which they may conceive to be inconsistent with those obligations which his Majesty has bound himself in the most solemn manner to observe. My Lords, there is one clause of the Coronation Oath which I am anxious most especially to press on your Lordships' attention, because it is not commonly regarded—it is not indeed commonly known—for it forms no part of the oath as prescribed by the Statute of William, but was imposed in the reign of Queen Anne, by the Act of Union of England and Scotland. My Lords, that additional clause has a most important bearing, and deserves your Lordships' most deliberate attention. The King, in taking his Coronation Oath was asked: "Will you, to the utmost of your power, maintain the laws of God, the true profession of the Gospel, and the Protestant reformed religion, established by law?" This, my Lords, I need not state is part of the oath prescribed by the Act of William and Mary; the following clause is imposed by the Statute of Anne:—"And will you maintain and preserve inviolably the settlement of the United Church of England and Ireland, and the doctrine, worship, discipline, and government thereof, as by law established within England and Ireland, and the territories thereunto belonging?" This clause, I repeat, was subsequently inserted by the Act of Union with Scotland; and your Lordships will not fail to remark the strong additional force given to the obligation by his Majesty's being called upon to swear, that he "will maintain and preserve inviolably the settlement of the church." The oath concludes with the important words prescribed by the Act of William, that his Majesty "will preserve unto the bishops and clergy of England and Ireland, and to the Churches there committed to their charge, all such rights and privileges as by law do or shall appertain to them, or any of them." My Lords, I need not enlarge on the solemn occasion on which this oath was taken. It was taken in the House of God, in the presence of the states of the realm, with ceremonies the most awful. His Majesty then entered into compact with his people; he made a solemn vow to God; he gave a sworn promise to the bishops and clergy; and, to add to the impressive effect upon the royal mind, and to testify most strongly the seriousness with which the obligation was undertaken, his Majesty descended from his chair of state, knelt at the altar of God, and there received the sacrament of the body and blood of his crucified Redeemer. Now, my Lords, let us suppose that, immediately after the Sovereign had retired from this most solemn service to his closet, some minister had entered that closet, with a bill which not only violated in the most important instances the rights of that property of the clergy, which the King had just sworn to preserve, by imposing on them alone a heavy tax to meet a charge which by the common law, by the statute law, by the uninterrupted and unquestioned usage of centuries, belonged to the proprietors of lands—by destroying the tenure of the lands of the Bishops, and degrading them from the rank of proprietors to that of holders of rent-charges on those very lands now made to be the property of others—by even confiscating part of the possessions of the Bishops, and alienating them to any uses, spiritual or temporal, civil or military, Protestant or Papist, which the Parliament should appoint. Let us suppose that this Bill not only thus violated the temporal rights of the Church, but even assailed its spiritual interests, by interfering with a most important part of episcopal superintendence over the churches—by suspending for an indefinite period, at the will of a Commission, consisting mainly of lawyers, the appointment of proper pastors to divers parishes in Ireland—by even suppressing half the hierarchy—let us, I say, suppose, at such a moment as I have described any minister of the Crown entering the royal closet with such a bill, and advising his Majesty to give it his assent, and thus to make it his own act. What, my Lords, must have been the answer of his Majesty? Ay, and what must have been the feelings of the people at seeing the conscience of their Sovereign so dealt with? My Lords, whatever must have been that answer, whatever must have been those feelings then, the same ought to be that answer, the same ought to be those feelings, whenever, if indeed ever, such a bill shall be tendered to his Majesty for his assent.

Earl *Grey* said that, however much he might be inclined to offer some remarks upon the topics which had been, he thought, not very regularly introduced to their Lordships' notice, he felt that this was not the time for debating the provisions of the Bill now in the other House of Parliament, and which, he trusted when before their Lordships he should be able to show was of a very different character from that attributed to it by the right rev. Prelate. Of the views and objects with which the right rev. Prelate had upon this occasion thought proper to address their Lordships in such a tone it was not for him to judge. But he must be permitted to say that, whatever might have been intended by the right rev. Prelate, what he had done and said upon that occasion, could by possibility answer no good end. What he had understood from the right rev. Prelate in the first part of his speech was, that all he meant to contend for was, that Parliament was bound to consider, in any measure that might come before it, the obligations which his Majesty had contracted by his Coronation Oath. To this proposition he entirely assented. Undoubtedly it was the duty of Parliament to consider every measure in all its bearings, and there was no bearing of any measure which could be more important than that to which the right rev. Prelate had alluded. He had upon a former occasion explained to their Lordships his construction of the obligations of the Coronation Oath; and the speech of the right rev. Prelate supposed the case of his Majesty, being induced by some adviser, to violate the solemn engagements he had contracted with his people to protect and maintain the Church. He would only say upon this occasion that, as there was not a man in existence more conscientiously and actively alive to the welfare of his people, and of the Protestant Church, to which he knew them to be attached, than the Sovereign now upon the Throne, so the right rev. Prelate must give him leave to say that there were not in that House, or elsewhere, any men living who had more at heart the true interests of the Church and of the people, than those who at the present moment were in the situation to be called upon to give advice to that Sovereign upon the subject in question. He did not like making professions; but, when such insinuations were cast out by the right rev. Prelate, he must be allowed to tell the right rev. Prelate, whatever he might profess, that the right rev. Prelate had not a more sincere attachment to the Protestant religion than was felt by the humble individual who then had the honour to address their Lordships; and that, whatever measure might come from the other House or elsewhere, it should not have his sanction if he did not in his conscience believe that it was calculated, not to impair or weaken, but to strengthen and invigorate, the Establishment by which that religion was taught. With respect to the Coronation Oath he should only now declare his regret at finding that an attempt was to be made to revive the opinions as to its construction, which he thought had been effectually silenced. He formerly maintained, when the question was raised upon another measure, in an argument which he contended was irrefragable and unanswerable, and to which no answer was ever offered in their Lordships' House, that the obligations of the Coronation Oath applied to the Sovereign, not in his legislative, but in his executive capacity. That proposition he should be ready again to maintain when the proper period arrived, and the measure should be before the House; and in the mean time should content himself with declaring any assertion unfounded which should attribute to any thing he could do, or to any measure to which he could lend his sanction or support, the effect of violating the conscience of his Sovereign, or leading to any infraction of his solemn compact with his people. Professing himself to be equally the friend of the Church and of his country, he would say, let those who profess so much extraordinary zeal for the former, take care that under the present circumstances of the country, they were not the cause of more injury to the Church than anything which could be done against it by its professed enemies. He would not now say another word except to repeat his regret that the right reverend Prelate had thought proper to make such a speech at the present moment, and to express his determination not again to be induced to speak upon the question until it was regularly before the House.

The Bishop of *Exeter* said, he should not have trespassed upon their Lordships again, except for some words which had fallen from the noble Earl, upon two points to which he felt it right briefly to address himself. The noble Earl had imputed to him that he had said of an exalted personage, whose name was too sacred to be mentioned in their Lordships' House, that he would be inclined or induced to break his oath. He begged to state, that he had no apprehension that that royal personage would be so inclined or induced, whatever any Minister might attempt. His opinion was, that whatever view might be taken in that high quarter of the solemn obligations of the Coronation Oath, to that view would the Sovereign conscientiously adhere. And what he desired to impress upon their Lordships was, that whether it proved to be the view he had taken of the construction of the oath, or that adopted by the noble Earl, their Lordships and the country were bound equally to respect the decision to which the conscience of the Sovereign should eventually be led. There was now but another observation with which he had to detain their Lordships. The noble Earl had been pleased to say, that his was a false opinion as to the construction of the oath, and to protest against its being adopted by their Lordships. He, on the other hand, must take leave to say, that he had no doubt whatever of the opinion of the noble Earl being the false one. And when their Lordships heard it so conclusively stated, that the obligations of the oath were only binding upon the Sovereign in his executive and not in his legislative capacity, he must take leave to smile at the confidence of the noble Earl in his own opinion. He should not now go into proofs of his own views, nor say how far those of the noble Earl were open to question; but when the noble Earl asserted, in such a tone, that his own arguments were irrefragable and unanswerable, he must be allowed, with what little strength he had at his command, to repel the assertion by a denial.

HOUSE OF COMMONS,

Thursday, June 6, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. COLQUHOUN, an Account of the Amount and Yearly Value of the Unexhausted Funds in each of the Parishes in Scotland, what part of them is allotted to the Minister of each Parish, and to whom the rest belongs.—On the Motion of Mr. DIVETT, an Account of the total Amount of Public Money Expended for, and under the direction of, the Charities Commissioners, since their Appointment under the Act of 1st and 2nd William 4th, cap. 34; and of the Number of Days each Commissioner has been Employed in the Business of the Commission during the same period, and the Salaries they have received.—On the Motion of Colonel Evans, an Account of the Number of Stamps issued to all the London Newspapers, from January, 1832, to the end of the last quarter.—On the Motion of Mr. Serjeant Perrin, the Number of Persons Licensed in Ireland to sell Spirits by Retail to be consumed on the Premises or not: also an Account of the Salaries and Fees received by the Magistrates of the Dublin Police.—On the Motion of Mr. James Talbot, an Account of the total Amount of Property vested in the Corporation of Athlone by Royal Grant, Custom, or Charter: also the Names and Abodes of all Tenants, Lessees, and other Persons deriving any Estates or Interests under the said Corporation: also of the Money received by the Corporation since the year 1800, by Right or Claim of any Toll, Custom, Duty, &c., and the Appropriation of the same.—On the Motion of Mr. James, an Account of the Number of Persons resident within the City and Borough of Carlisle Assessed to the House-duty, in the years 1832, and 1833, for Premises of the yearly value of between 10*l.* and 15*l.* inclusive, and who were not so Rated at the beginning of the said period.—On the Motion of Sir Thomas Freemantle, an Account of the Officers and Clerks Employed in the Navy Pay Office Establishment, on the 5th of April, 1832, with the Name, Length of Service, and Salary of each; the same, for the 5th April, 1833: and of all Persons introduced, since 5th April, 1832, stating from whence, the Office he holds, his Salary, &c.—On the Motion of Mr. Spring Rice, an Account of the Places, where united, or Joint Stock Banks have been Established under the Act 7th George 4th, cap. 46, with the Number of Partners therein, since 25th May, 1832.

Bill. Read a third time:—Consolidated Fund.

Petitions presented. By Mr. Robinson, from the Shipowners of Brixham, to be Relieved from the heavy Charges of Pilotage.—By Mr. George F. Young, from the Ports of London and Newcastle-upon-Tyne, against the Registry of Vessels Bill; from the Shipowners of London and Scarborough, for the Reduction of the Duty on Marine Insurances; and from certain Carmen depending on the Prosperity of the Sugar Refiners, for Relief to the Sugar Refining Trade.—By Colonel Fox, from Welchmen resident in London, for an Improvement of the Established Church in Wales.—By Mr. Henry Grattan, from the Electors of the County of Meath, for an Alteration in the Reform of Parliament (Ireland) Act.—By Mr. Wigney, from Brighton, in favour of the Justices of the Peace Bill.—By Mr. Briscoe, from Croydon, against the Punishment of Death for all Offences against Property; and from the Society for Promoting Rational Humanity towards the Animal Creation, for the Removal of Smithfield Market, and the Establishment of four or five Cattle Markets, and Abattoirs, outside of the Metropolis.—By Mr. John Parker, from Sheffield, for a Removal of the Civil Disabilities of the Jews.—By the Solicitor General, from Dudley, for the Repeal of the Septennial Act, and for Vote by Ballot; also from the Baptists of the same Place, for Relief to the Dissenters with respect to Marriages, Registration, and Church Rates: also for a Repeal of the Duties on all Newspapers and Advertisements.—By Mr. Halcomb, from the Rate-payers of the Liberty of the Rolls, for a Repeal of the House and Window Taxes.—By Mr. W. H. Wyndham, from the Hundred of Diss; and by Sir William Ingilby, from Chichester,—for the Repeal of the Malt Tax.—By Mr. W. H. Wyndham, from Trunch and Girningham, for Laws to Ensure the Better Observance of the Lord's Day; from the Tile Makers of the Eastern Division of the County of Norfolk, for a Drawback of the Duties for the Stock in hand; and from the Journeymen Weavers of Wymondham, for Relief, and Restrictions upon the use of Machinery.—By Sir R. Bateson, from the Fishermen of Carrickfergus, against the Disfranchisement Bill of that Borough.—By Mr. Wilson Patten, from the Clergy of Lancaster, for the Repeal of the Sale of Beer Act.—By Sir Robert Bateson, Mr. Shaw, and Mr. W. H. Wyndham, from several Places,—against Slavery.—By Mr. Pease and Mr. Tayleure, from several Places,—against the General Register of Deeds Bill.—By Mr. Philpotts, from Gloucester, for the privilege of Electing their own Corporate Officers; and for Amending the Act 41st George 3rd.—By Mr. Clay, from several Trades in the City of London, for Relief to the Sugar Refiners; and from the Shipwrights of the Thames, respecting the Repairs of Ships, and the Duties affecting them.

Collection of Tithes (Ireland).] Mr. *Henry Grattan* rose, for the purpose of asking the noble Lord (the Chancellor of the Exchequer) whether, when it was found necessary to enforce a debt due to the Crown, it was right that the Officers of the Crown should break into the houses of the King's debtors and take the inmates off to gaol? He understood, that such was the course pursued in Ireland with respect to those who owed tithes, and who, under the construction of a late Act of Parliament, had become Crown debtors. He wished particularly to know whether such a course of proceeding had been sanctioned by his Majesty's Government?

Lord *Althorp* said, that by the Act of Parliament passed last Session, money was advanced to the Irish clergy upon the arrears of tithes due to them, and upon such advances being made the debts due to the clergy became debts to the Crown. Now in England and Ireland the law was the same, that for debts due to the Crown houses might be broken into, and entered. He believed, that this might have happened in Ireland in some cases, but he could state, that the same thing would not happen again. Orders had been recently sent to Ireland to suspend the collection of tithe arrears, and all processes issued under the Act of last Session, at least until the opinion of the House was taken on a question which he had to bring forward with respect to the collection of tithes.

Mr. *Ronayne* said, he had before understood from the noble Lord, that such a suspension had been directed long since; but the arrears continued to be collected in the most vexatious and oppressive manner. According to the last accounts from Ireland, houses were broken into, and all sorts of outrages were committed in the name of the law.

Lord *Althorp* did not think he had given any intimation of that kind before. He certainly had not, nor could not have said, that directions were given to the Irish Government not to proceed in the collection of tithe arrears until the present moment. He could now, however, state that such directions had been sent.

Mr. *O'Connell* had been furnished with the particulars of a great number of cases in which the clergy of the Established

Church in Ireland were proceeding in the most vexatious and oppressive manner to collect their tithes. It was not customary in Ireland to call for tithes or rent due in May until September or October. The clergy, he understood, however, were now levying the May fall under the Tithe Composition, and the course pursued was to issue writs without any demand for the sum due. In one district, 1,000 writs were issued for sums not amounting in a single case to 1*l.*; and when the persons proceeded against went to pay the amount of their tithes, amounting in many cases to only 7*s.* or 8*s.*, they were told that costs had been incurred to the amount of 2*l.* 14*s.* This had not happened in one or two counties, or in one or two cases, but in a multitude of cases, and in several counties; and he was prepared at any moment to state names and details in proof of the statement. The noble Lord might tell him that the Government had no power to prevent the clergy of the Established Church from levying tithe in whatever manner the law allowed them, but surely the Government had power to prevent the military and police from being sent out to assist the clergy in those vexatious and oppressive proceedings. The police were employed constantly in collecting tithes, and the military were sent out upon more than one occasion (as at Youghal) upon the same service. Surely the Government ought not to encourage proceedings of that description. When he stated, that such proceedings had taken place, and were every day going on, he was sure he might call upon the Members for Ireland, who must be aware of the fact, to bear testimony to the correctness of his statement. It would really appear that the object was to force the peasantry of Ireland to insurrection. He begged to ask the noble Lord, whether any instructions had been sent to the Irish Government to prevent the employment of the police and military in assisting the clergy in the collection of tithes?

Lord *Althorp* had heard and believed, that the clergy had in some cases pressed for the payment of their tithes—he would not say in the manner in which the hon. and learned Member had stated, but certainly in what he should call an imprudent manner. The hon. and learned Member, however, was mistaken, if he supposed that in any of those instances in which the dues of the clergy were imprudently pressed for, the Government had given its assistance.

Mr. *Lefroy* did not think any one could be surprised to learn that those who had been for three years without receiving any part of their income, and were reduced to a state of positive starvation and distress, as many of the Irish clergy had been, should take the earliest opportunity afforded by the appearance of returning peace in the country, to try and recover some part of their dues. The noble Lord in reply to the hon. and learned member for Dublin, had used the phrase "imprudent proceedings." Now, in justice to the clergy of Ireland, the noble Lord should state whether he meant to apply the epithet imprudent generally, or to those particular cases pointed out by the hon. and learned member for Dublin. If the hon. and learned Member would bring forward the subject, after giving due notice, so as to give the parties alluded to an opportunity of explaining, instead of dealing in gross and sweeping assertions, he should be prepared to meet him.

Mr. *Barron* said, that the greatest harshness and oppression had been practised in the counties of Waterford and Kildare, in the collection of tithes. The police in these counties were turned into process-servers for tithes; and he asked the noble Lord whether that ought to be permitted by the Government? The clergy were now pursuing a most outrageous course of proceeding, and taking the most unfair advantage of the Act of last Session, as it would serve to oppress the people, and drive them to rebellion. He did hope that his Majesty's Government would discountenance such disgraceful, base, and ignoble conduct.

Sir *Hussey Vivian* felt it due to the Irish Government to state, that in many instances the assistance of the police had been refused when applied for to enforce the payment of tithes. There could be no doubt that in many instances the police had gone out with those who were employed to serve tithe processes; and if they had not, every one who knew anything of the state of the country, could imagine what would be the fate of the process-server. The military had been employed on no occasion, unless for the purpose of covering and protecting the civil power; and he was yet to learn that this was an improper employment of a military force. Although some of the clergy might have been hasty in attempting to recover their demands, he could assure the House that nothing could equal the patience and forbearance generally exhibited by them. He had seen enough of Ireland, however, to be satisfied that it was absolutely necessary that tithes should be done away with. He repeated what he had said—he wished to see the tithes done away with in Ireland by a fair and honest commutation. He did not mean, that they should be done away with, and given to the landed proprietors. He was as anxious as any man could be for a fair and satisfactory settlement of the question, and he admitted that in some few instances the clergy might have been hasty in enforcing their dues, but, generally speaking, he believed that the best friend the Irish poor man had was the clergyman of his parish.

The subject was dropped.

Relations with Portugal.] Colonel *Davies* rose to bring forward the Motion of which he had given notice as to the Relations of this country with Portugal. He began by assuring the House, that he had never risen to address it under feelings of such embarrassment as at that moment. The importance of the question he had to submit was so great, as on it would depend whether his Majesty's Government should continue to pursue that course which, in his opinion, happily for the country, it had hitherto pursued with respect to our foreign relations, or whether this country was to return once more into the train of the Holy Alliance. These considerations would be a source of embarrassment to him in bringing forward this subject on any occasion, but he confessed that his difficulties were increased from what had occurred in the other House of Parliament. As a plain straightforward course was the most manly, and at the same time the safest to be pursued, he would at once avow, that his great object on this occasion was to counteract, by a vote of that House, the prejudicial effect of the vote which had been come to a few evenings before in the other House of Parliament. No man could deprecate more than he did the bringing about any collision between the two Houses of Parliament: nothing was therefore further from his wish on this occasion. He admitted, in its fullest extent, the right of the other House to express its opinion on any public question; but he claimed the same right for the House of Commons, as representing the people of the United Kingdom, and he felt that the House was particularly called upon to express its opinion on this occasion; for if the Commons remained silent, the people of this country, as well as foreigners, would think they were so from an acquiescence in what had been done elsewhere. He was also anxious that the House, by its vote, should show to Portugal, to Europe, and to the world, that the people of England, enjoying as they did the blessings of freedom, did not wish to withhold from other nations a participation in similar blessings. It had been made a matter of charge in another place, that the Government of this country had not acted with impartiality towards the present government of Portugal, but that it had permitted improper interference by subjects of this country in the contest now going on in Portugal. It might be well for the friends of Don Miguel to state this, and to create an impression that this country had a hostile feeling towards the interests of Portugal. No statement could have less foundation in fact, for it was unfair to identify the interests of the people of Portugal with those of Don Miguel and his adherents. The circumstances which had immediately preceded the usurpation of Don Miguel in Portugal were so well known, that he would not pay the House so bad a compliment as to think it necessary to go into them in detail. It was, however, necessary that he should refer to a few of the leading events connected with that usurpation. The hon. and gallant Member here stated those events; comprising the assumption by Don John, the father of Dons Pedro and Miguel, of the title of Emperor of Brazil along with that of king of Portugal and the Algarves—the transmission of those titles to his eldest son Don Pedro, and their recognition by the several powers of Europe—the resignation of the title of king of Portugal and the Algarves by Don Pedro in favour of his daughter, Donna Maria—the recognition of that act by the powers of Europe—the arrangement which followed it, that Don Miguel should marry his niece, Donna Maria, and thus share with her the throne of Portugal, his sister being regent until Donna Maria was of age—the grant of a Constitution to Portugal by Don Pedro, which was brought over by the British

Ambassador to Brazil, and the acceptance of that Constitution, with very few dissentients, by the people of Portugal. It was, he observed, unfortunate, that so much confidence should have been placed in Don Miguel after what was then known of his conduct in his rebellion against his father, for which he was banished from Portugal; and certainly his conduct since that event had fully shown how much that confidence was misplaced; for after he had sworn more than twice to maintain the constitution and to uphold the rights of his niece, and while he was taking a fourth oath in this country to the same effect, he was planning the overthrow of that constitution, and the usurpation of that authority. In this attempt he at last succeeded by the aid of the priests; but it should be recollected that British troops had, however unwillingly on their part, been made instrumental to the success of his usurpation, for when that event took place (Mr. Canning having then ceased to exist, and the Government being in the hands of the Duke of Wellington), orders were sent out by Lord Aberdeen, then Secretary for Foreign Affairs, to the commanders of the British troops in Lisbon, that they were to protect the person of Don Miguel from any violence—orders which had the effect of silencing the opposition of those who would otherwise have asserted the rights of the lawful sovereign Donna Maria. That young lady had been fully recognised by the powers of Europe as Queen *de jure*, and from the extensive portion of the dependencies of Portugal over which she had actual dominion, and being also recognised in the second city of Portugal, she might be called Queen *de facto*. Seeing this, he thought that this country would be justified in interfering by force to expel the usurper from Portugal; but, on grounds of expediency, that course was not adopted. A justifiable ground of interference on our part did, however, exist, arising from the outrageous acts of insane violence which had been committed by Don Miguel's authority on the persons of British subjects. One instance of this violence was on the person of a British subject, and for no other offence than having in his possession the insignia of a freemason. The possession of these did not prove a man to be a freemason; but even if he were a freemason, he was not aware of any law which made it criminal in a British subject to belong to that society. But the outrage of Don Miguel on British persons and property did not rest there; he violated the commercial treaties with this country by raising the duties on British goods imported in foreign vessels, and detained several British ships and their crews for an alleged violation of the blockade of Terceira. For all these outrages no redress had been given, though it had been more than once demanded. On the 3rd of August preceding the change of the Duke of Wellington's Administration Lord Aberdeen called on the government of Portugal for redress, by the immediate restoration of the British vessels seized at Terceira; but no attention was paid to that demand. On the 2nd of November following, his Majesty was made, in his speech to both Houses, to say: 'I have not yet accredited 'my Ambassador to the Court of Lisbon; 'but the Portuguese government having 'determined to perform a great act of 'justice and humanity by the grant of a 'general amnesty, I think that the time 'may shortly arrive when the interests of 'my subjects will demand a renewal of 'those relations which had so long existed 'between the two countries.'* Now that was a speech delivered at the time when the Duke of Wellington was at the head of the Government, and when Lord Aberdeen was Foreign Secretary, and yet the instructions there alluded to were not attended with any effect. From that time, too, nothing had been done to restore those relations of friendship which were essential to the prosperity of both countries. Much stress had been laid on the violation of the Foreign Enlistment Bill, and on the inertness of Ministers in not preventing those infractions of the law; but he would beg to ask, how had it happened that none of the acts now complained of had been objected to before? They were matters of public notoriety; they were done in the open day, and accounts of them regularly appeared in the newspapers. How happened it then, he asked, that these complaints had not been made before this time? Or why should they be made now, having been so long passed over in silence? He was unwilling to attribute motives to any man; but he could not but regard the notice taken of these things at this particular time, as an indication that the Motion on which they were introduced had been made for party purposes, and that these matters had been withheld until some opportunity should present itself of using them with the view to drive Ministers from their places. Was it at all improbable that, as it was known that certain popular measures were about to be sent up from this House, it might have been considered a good thing to strangle those measures by ousting Ministers, under a pretence very different from the real motive. The object of the noble person who had brought forward the Motion elsewhere was, no doubt, to turn out the Ministers. That was a fair and legitimate motive when pursued by fair means; but when one of those means was a charge of a violation of good faith, he would ask, had the conduct of those who made the charge been so very pure on every occasion as to constitute them fit and proper persons to bring it forward? Those who charged the present Ministers with a breach of neutrality had themselves acted more strongly. They had sent out an army to Portugal, not, indeed, to take a part in the disputes of that country, but in compliance with the terms of ancient treaties, to prevent its invasion by a Spanish force. Nothing had since been done by his Majesty's Government that went beyond that act. But if the present Government had manifested a strong and decided feeling against the party of Don Miguel, would it have been an extraordinary circumstance? Had not the Miguelites fired on British vessels that were merely occupied in trading transactions? What, too, he would ask, had been the conduct of the Spanish government on that occasion? Had not their armies approached the Portuguese frontiers, and had they not afforded supplies to one of the belligerent parties? Under all the circumstances, he conceived his Majesty's Government had not taken an improper part, and therefore, he was anxious that they should be supported by the vote of that House. He felt convinced that if the decision of the other branch of the Legislature were not quickly met by an opposite vote, emanating from that House, twenty-four hours would not elapse, after the declaration made in another place was known, before a Spanish army would cross the Portuguese frontier. Surely, therefore, they ought to stand forward in order to prevent such a catastrophe—a catastrophe which might be the means of plunging this country and all Europe into war. In 1826 Mr. Canning had said, that if a single Spanish column passed the Portuguese frontier, this country was bound immediately to interfere; and, assuredly, if the principle were a just one at that time, it was no less just and politic now. At the present moment they saw the Russian eagle hovering over Constantinople, after having beaten down unhappy Poland—they saw the Austrians oppressing Italy—and they saw Prussia only seeking for an opportunity to put down all free institutions. Would they, would the people of England, at such a moment, lend their aid to crush the spark of liberty which had been ignited in a little corner, in a little nook, of Europe? He hoped they would not lend themselves to any such object, and that they would have the satisfaction of feeling, that if they had not assisted the struggling Portuguese, at least they had not been guilty of opposing their efforts in the cause of freedom. The gallant Member concluded by moving, "That an humble Address be presented to his Majesty, expressing to his Majesty the regret felt by this House at the continuance of hostilities in Portugal, and their grateful acknowledgment of the judicious policy which his Majesty has pursued with reference to the affairs of that country."

---

* Hansard, vol. i. Third Series, p. 9.

Viscount *Morpeth* rose to second the Motion which had been recommended to the House in a speech of so much ability, by his hon. and gallant friend. The last time that the question of Portuguese affairs had been brought before the House, it had been sustained so triumphantly in argument, as well as carried so overwhelmingly by votes, in favour of the conduct of Government in those affairs, that he was not surprised, putting every thing else out of view, that the next Motion introduced was a motion not to arraign, but to avow and confirm their policy. Indeed, it seemed to him that if any person, either a contemporary witness or a future peruser of these transactions, could question the entire propriety of the Resolution before the House, it would arise from a doubt whether this country had assumed a moral attitude sufficiently elevated—had exhibited a moral countenance sufficiently constant to the Sovereign whose rights she had unequivocally acknowledged—sufficiently constant to the parties alone whose hopes she had inevitably encouraged—sufficiently constant to the principles which she must approve and cherish, because they were alike the principles of truth and of freedom, and were those she herself professed. Convinced, however, of that imperious obligation which compelled the conduct of governments to be regulated, not by the temptations of the particular case, but by the maxims of a general rule, where the tendency of this rule was obviously to preserve the invaluable blessings of peace, he would bow to the stern necessity of the case, and admit the propriety of our Government maintaining a neutrality even during the late glorious struggles of Poland to burst her galley chains, even pending the resistance now made to the usurpation of Don Miguel. Under the circumstances, however, of the present contest in Portugal, he was sure that the House—that the country—would be of opinion that over forbearance and passiveness ought not to extend one inch beyond what was strictly necessary. As matter of charge was brought against the Government, to them, of course, it would be wise and proper to leave the details and minutiæ of their defence. All he should say was, that, from all that had reached him of the general tenour of their intended vindication, he thought it was perfectly satisfactory, and even more so than he had been induced to expect—he would not say more so than he wished. It appeared to him that as a Government they had committed no act which was decidedly in favour of either contending party. In this, then, they had proceeded in conformity with their own recognized principle; but they had suffered the usual interchanges of trade with respect to military stores to be carried on without respect to either party, and both parties had availed themselves of the benefit. As to the men, they had left it open to those with whom they had no concern to enlist themselves equally on either side, and the proportion had been regulated by the sympathies of mankind. He would admit, that with those on whose services they had a claim, the case was different; the party so enlisting acting under a penalty, which he had no doubt, on mature and complete proof of the fact, would be exacted; and under the same circumstances it was plain, that in common fairness the precedent of Admiral Sartorius must be applied to the case of Captain Napier. He would not conceal from himself that an independent question might arise as to how far a man was justified in the eye of Heaven for taking up arms in any case, save that of his country, which must always be deemed to rest on the ground of national defence: as any act of individual violence could only be justified on the ground of personal defence; and then the question followed as to how far the nation ought to take charge of individual responsibility and conscience by interfering to prevent what was thus assumed to be wrong. He trusted this view of the subject would receive its due consideration, but assured he was, that the question itself rested on higher grounds than any which had been called as yet in question, and did not mix itself up with any dispute upon neutrality, he would admit, that it would be both a superfluous and an easy employment to heap terms of vituperation upon Don Miguel; but it might be asked, on the other hand, whether there were not those in whose eyes he might appear clothed with certain redeeming attributes? They had heard much of Don Miguel being the choice of the people and the delight of the Portuguese. It had been published in 1831, that upon a calculation it was found there were in the prisons and hulks of Portugal, or transported as convicts, 27,000 individuals; of those emigrating to avoid his vengeance there were no less than 13,000; and in hiding-places in Portugal there were between 4,000 and 5,000. Thus it appeared, that out of a population not exceeding 2,600,000, there were not less than 45,000 victims of political resentment, whom, no doubt, these partisans of Don Miguel would, perhaps, include amongst those who, as they alleged, testified universal acquiescence in the dominion of the usurper. Perhaps it would not be improper for him to read the following extract from Mr. Young's work, who visited Portugal about that time, to acquaint the House what was the real state of society there. Mr. Young said, "The streets of Lisbon were crowded with soldiers, day and night, authorizing the mob to insult whoever they pleased, and those who made any resistance to be conveyed to prison. Each police soldier had anginlos (little angels or thumb-screws) in his pocket, and I saw about this time several respectable-looking people escorted to prison with these instruments of torture affixed to them. They often screwed them till the blood started from under the nails; I have heard them crying with agony as they went along." Don Miguel might, indeed, be stained with rebellion, usurpation, tyranny, and murder. He might combine all that we read, and all that we could imagine, of the most detestable models in ancient history—the sullen perfidy of Tiberius, with the sanguinary sportiveness of Commodus; but no matter; somehow or other, despite of this world of charges and accusations, he represented the Conservative interests in Portugal. And further, he reflected, it would seem, those interests in Spain. In him were centered the hopes of absolutists, and the perpetuity of priestcraft.

His birth, his titles, crowds and courts confess;
Chaste matrons praise him, and grave bishops bless.

Grave bishops! He would say one word on that subject. He trusted, indeed he knew, he was by no means wanting in attachment and fidelity to the establishment of which he was a Christian member, and he had not hesitated to profess that attachment, as well as respect and forbearance, towards the heads of that Church, in places and at times when it was not very convenient or easy for him to do so; but when he found that those right rev. persons, who had declared to the other House, that it would not be discreet in them to legislate for the better observance of the Sabbath (be it observed he did not quarrel with them for that opinion so delivered, still less with the very eminent person from whom it proceeded); whilst at the same moment a portion of that right reverend Bench —happy was he to say but a portion, and that not headed by their natural leaders or their brightest ornaments—did not find it beyond their praise or beneath their care, not merely to interpose on a nice, a complicated question of worldly policy, but to inculcate greater forbearance on the part of Britain in favour of a cause built upon the disregard of every obligation, and stained by the Commission of every crime. He might ask, what infatuation induced them to convert the support of those who were most ready to proffer it into coldness and alienation? Into the many collateral topics which might suggest themselves in the present posture of affairs, he did not feel it his duty to enter. As for any apprehension which might arise respecting a permanent change in the system and principle of government, he was persuaded, after an emphatic declaration by that House upon the particular point at issue, and the full, and precise, and satisfactory declaration of his noble friend, the Foreign Secretary of State, the other night, that no person could take it into his head to conceive that any serious consequences could possibly follow from so preposterous and absurd a matter. Weightier and more serious affairs awaited their deliberation and decision; and whilst they proceeded to encounter these with all the care and consideration they demanded, he confidently trusted that no efforts of party tactics, or of ambition could distract those, who, in the moment of need, would form the stoutest rampart against revolution, from that march of steady improvement in which at present reposed the only prospect of our national safety.

Sir *Henry Hardinge* conceived that his best apology to the House for trespassing on their notice would be furnished by the fact of his long acquaintance with and residence in the country alluded to; his having worn the uniform of Portugal, and having had the command of a brigade of Portuguese, than whom he knew no allies more faithful or soldiers more brave and gallant. They were not called on to decide on the character of Don Miguel or of Don Pedro, and of the cruelties and miseries he inflicted on the Portuguese people. He should not enter into the comparative merits of the two brothers; that was not the question here. The question was, whether the British Government had acted fairly towards the Portuguese government? Had they fulfilled the stipulations of strict neutrality which had been promised by his Majesty in his speech from the Throne? The question for them was, had strict neutrality been observed, or had it not? His hon. and gallant friend did not attempt a direct defence of the present Government. He defended them merely by recrimination; by an attack upon the conduct of the late Government; and he asked, what had the former Government done?—and instanced the conduct of a British army sent out to Portugal. For an answer to these observations he might refer his hon. and gallant friend to the noble Lord opposite (Lord Palmerston), who was in office when Mr. Canning sent troops out to Portugal. He was ready to admit that it was perfectly consistent in his hon. and gallant friend to advocate the propriety and justice of permitting the Portuguese to be assisted from this country, and of allowing troops, arms, and ammunition to be sent out to them from the British ports. This was perfectly consistent in him, because he maintained the same principle before the passing of the Foreign Enlistment Bill. The present Ministers, however, could not justify themselves in the same way, because it was their duty to enforce the Foreign Enlistment Bill. In fact his hon. friend, from the beginning to the end of his speech, had said nothing to vindicate the conduct of Ministers, and he thought he should be able to show that they had acted with partiality towards Don Pedro. This might be a merit in the eyes of his hon. and gallant friend, but it was not in his. If it was right in a case of disputed succession to permit men to be enlisted here for one of the parties, even to sweep the poorhouses, as they lately heard—if it was right to permit arms and ammunition to be sent out—if this was once allowed they would soon see the harbours of this country converted into nests of pirates, to the disgrace of the nation and the annoyance of every civilised state. With regard to Don Miguel, he never did say, and never should say, any thing in his favour. It would be difficult, indeed almost impossible, to vindicate his conduct. But what was Don Pedro himself? Was he without reproach? He believed that he was in reality the competitor of Don Miguel for the throne of Portugal. The noble Lord (Lord Palmerston) might say that Donna Maria was the person entitled to the throne, and he would not be so ungallant as to insinuate that she was not every way worthy of it. He would say nothing derogatory to the claims of Donna Maria, whom from all he had heard, he must believe to be a most amiable young person. He believed, however, there was no person of common sense now in Europe who believed that Donna Maria would become Queen in the event of Don Pedro's success. France was in fact the protectress of Don Pedro, and if this country assisted in forwarding his objects the impolicy of such conduct must eventually recoil upon themselves. Were there, however, any good reasons for placing confidence in Don Pedro? It appeared to him to be quite the contrary. Don Pedro was the constitutional emperor of Brazil. How long after his recognition of the Constitution did he endeavour to break it? The consequence of his conduct was that he was expelled from his dominions. He commenced his political career in South America by an attack upon the principles of American independence in the La Plata. It was commenced in views of ambition and it ended in plunder. How many hundred thousand pounds had British merchants lost in consequence of his conduct? He invited Germans over to the Brazils to settle as colonists there. About 600 went in consequence of this invitation, but they were very soon after pressed into his service in the army. One of these Germans for some alleged offence was punished with 500 lashes. What was his conduct to the Irish regiments which had been crimped into his service? His last act in the La Plata was one of plunder; and his last act towards the people of this country was one of swindling perpetrated against British merchants, whose money he diverted from the objects for which it was advanced to personal purposes. Had he then any personal merits which could induce them to treat him favourably? They certainly had nothing to do with the honour or the personal merits of either of the brothers. Their first consideration ought to be what was the conduct of the British Government, and what was their duty? The King in his Speech had pledged himself not to interfere, but to observe a strict neutrality. Now was this done? He must say, that he could not give credit to the noble Lord (Lord Palmerston) for the observance of a strict neutrality. He felt convinced that interference of a most direct kind had taken place, and was permitted. He might, in the first instance, mention the case of the three vessels which were permitted to leave the shores of this country. The proofs brought before the Commissioners were so strong that the vessels were detained. Government, however, gave directions for their immediate release. He had seen upon this point the opinions of several of the most eminent legal characters, and they all entertained no doubt that if adjudication had taken place these vessels would have been condemned. Where was, then, the neutrality? This surely did not prove it. But this was not all. Not less than 1,600 recruits were recently sent out to Don Pedro from British ports, Captain Napier being the avowed agent in the business. Was this neutrality? Was it neutrality to permit 2,000 or 3,000 French troops to arrive upon the shores of England, and, though they did not land, allow them to sail for Portugal to assist Don Pedro? Could facts of this kind leave any doubt whatever upon the subject? He could name not less than six or seven Members of that House to whom Captain Napier openly and plainly, as was natural to expect from a person of his profession, admitted the object for which the men were raised. This he admitted in the United Service Club. If neutrality meant impartiality, surely this was not neutrality. He did not pretend to be an etymologist; but, according to the best English authorities, he believed neutrality meant giving assistance to neither. It was not derived from *ambo*, but from *neuter*, and meant, as he should suppose, not that we were to aid both, but that we were to aid neither. He had the great authority of Sir William Scott for that meaning of the word neutrality. He said neutrality meant the withholding assistance from both parties, and in his speech on the Foreign Enlistment Bill said the object of it was to prevent such acts of assistance to any of two belligerent parties as might involve them in difficulties with other states. The noble Lord (Lord Palmerston), the President of the Board of Control, and the Judge Advocate voted for that Bill, and of course approved of the objects which were contemplated by it. The Judge Advocate upon that occasion, examined the opinions of Bynkershoek. He proved Bynkershoek's authority to be wrong or misquoted; and as to Vattel, he quoted him as saying, "Shall I suffer the neutral, under a pretended neutrality, to do me all the mischief in his power? No, the law of nature, the law of nations, obliges me to be just, but does not condemn us to be dupes."* The right hon. Gentleman then added on that occasion—'A strict fulfilment of our 'engagements is due to Spain; otherwise 'Spain may turn round and say, "you 'call me base, and abject, and degraded; 'but if, after having plighted to me your 'neutrality, and while professing to keep 'that promise you keep it only to the 'ear; if, safe in your pretended neutrality, 'you take advantage of my weakness to 'overwhelm me; and all this while you 'are affecting a more than ordinary feeling for the rights, the interests, and the 'honour of nations, then, however base, 'and abject, and degraded I may be, I 'shall have the consolation of knowing 'that there is one European government 'which has sunk itself to a point so low 'as to incur the just reproaches even of 'the degenerate kingdom of Spain.'* Now when his Majesty said in his speech that he had not and should not interfere, what inference were they to draw from such facts as those he stated? Was it neutrality to allow Don Pedro to draw from this country men, arms, and ammunition? He might be told that it was done not by Government, but by British merchants, in the pursuit of commercial objects. Suppose Spain were to permit the merchants of Cadiz to fit out vessels to convey men and arms to the assistance of Don Miguel, would it be considered as neutrality? Why was Lord William Russell sent out to the frontiers of Spain but for the purpose of seeing whether any troops were collecting there to send to the assistance of Don Miguel? Though they had no official papers upon the subject laid upon the Table, it was highly probable, from the document published by M. Zea Bermudez, that a strict neutrality, as regarded both the contending parties in Portugal, had been agreed upon between Spain and this country. Spain fulfilled her part of the engagement, but he believed it would be very difficult to prove that England had done the same. Don Pedro had been now in Oporto with his troops for nearly twelve months. If the Portuguese nation were favourable to the cause his daughter must by this time have been on the throne of Portugal. On the contrary, however, there yet appeared not the least reason to doubt the fidelity of Don Miguel's troops. Had Don Pedro been the favourite of the people they would ere this have risen *en masse* and placed him or his daughter on the throne. It was quite a matter of indifference to him whether Don Pedro or Don Miguel were successful; but he entertained friendly feelings towards the Portuguese people, and he did not like to see so many wrongs and miseries inflicted on them. It would be difficult for the Ministers to defend their conduct. To call it neutrality was paltry and pettifogging. He could assure his noble friend (Lord Palmerston) that he used these words with precaution and deliberation. They were not his words; they were the words used by Mr. Canning in a speech delivered by him on April 16, 1823, when Lord Althorp moved the repeal of the Foreign Enlistment Bill. 'If I wished,' said Mr. Canning, 'for a guide in a system of 'neutrality, I should take that laid down 'by America in the days of the Presi'dency of Washington and the Secretary'ship of Jefferson. In 1793 complaints 'were made to the American Government, 'that French ships were allowed to fit 'out and arm in American ports, for the 'purpose of attacking British vessels, in 'direct opposition to the laws of neutrality. 'Immediately upon this representation the 'American government held that such a 'fitting out was contrary to the laws of 'neutrality, and orders were issued pro'hibiting the arming of any French vessel 'in American ports. I do not now pre'tend to argue in favour of a system of 'neutrality; but, it being declared that 'we intend to remain neutral, I call upon 'the House to abide by that declaration 'so long as it shall remain unaltered. No 'matter what ulterior course we may be 'inclined to adopt—no matter whether at 'some ulterior period the honour and 'interests of the country may force us 'into a war—still, while we declare our'selves neutral, let us avoid passing the 'strict line of demarcation. When war 'comes, if come it must, let us enter into 'it with all the spirit and energy which 'becomes us as a great and independent 'nation. That period, however, I do not 'wish to anticipate, and much less desire 'to hasten. If a war must come, let it 'come in the shape of satisfaction to be 'demanded for injuries, of rights to be 'asserted, of interests to be protected, of 'treaties to be fulfilled; but, in God's 'name, let it not come on in the paltry 'pettifogging way of fitting out ships in 'our harbours to cruize for gain. At all 'events let the country disdain to be 'sneaked into a war. Let us abide 'strictly by our neutrality, as long as we 'mean to adhere to it; and by so doing 'we shall, in the event of any necessity 'for abandoning that system, be the better 'able to enter with effect upon any other 'course which the policy of the country 'may require.'* He would also say with Mr. Canning, if the necessity for war should arrive, let us act straightforward; let not the honour of the country and the good faith of the King be compromised by allowing acts which were an open breach of neutrality. It did not appear to him that they had acted with good faith towards Spain, if, as M. Zea Bermudez asserted, Spain had acted with good faith in preventing any succours from reaching Don Miguel through that country. His hon. and gallant friend (Colonel Davies) contended, that men, arms, and ammunition might, without any breach of neutrality, be despatched from the shores of England to assist Don Pedro; but, in answer to his argument, he would refer him to the opinions maintained by Ministers themselves upon this point. His hon. and gallant friend said, that what occurred in another place originated in party motives. He knew nothing of what occurred there, or what was intended, until it took place; but he believed that the noble individual who brought forward the subject was utterly incapable of any left-handed course for the purpose of attaining either a personal or a political object. There was not living a person more direct and straightforward. It had been said in another place, that a gallant friend of his (Sir John Campbell) had used language towards the British Government and the Sovereign unbecoming a British soldier. He commanded a regiment of cavalry during the Peninsular war; he subsequently married in Portugal, and fixed his residence there, for he was attached to the people, as every person must be who knew them. As to his speaking disrespectfully of Ministers, Sir John Campbell was not the only person who did so. If Ministers frequented the places he did, they would have frequent opportunities of hearing themselves spoken of in the same way by as honourable a set of men as any living, and men, he believed, as unbiassed in their politics, as any in the country. If they had any bias, it was to the free and open expression of their opinions. His friend Sir John Campbell was a loyal man and a brave officer, whom he believed utterly incapable of saying anything disrespectful of a high and sacred person, and without further authority he could not believe that he used such language. He would again repeat, that it did not become the British Government to keep the people of Portugal so long in a state of high political excitement. Let not mockery and insult be added to their other sufferings by saying that neutrality was observed. Let Ministers rather come forward boldly at once, and say: " We are determined to give you a Queen, and you shall have no Sovereign but of our appointment."—He should oppose the motion.

---

* Hansard, xl. p. 1246.

* Hansard, xl. p. 1253.

---

* Hansard (new series) viii. p. 1057.

Mr. *Robinson* said, that the other House of Parliament had a right to express its opinion on this subject; and having exercised its undoubted and constitutional privilege, it was neither necessary nor expedient to bring forward a motion like the present, the direct tendency of which was to place the Commons in collision with the Lords. Unless great temper and moderation were observed in both Houses, such a crisis would be unavoidable, and the effect must be, to embarrass any government that could be formed. His gallant colleague did not deny the right of the Lords to form and express an opinion on the subject of Portugal—why, then, call upon the Commons, in the midst of public business, to agree to a vote which was meant to cast a slur upon the other House? Besides, he objected to the Motion on the ground that it expressed approbation of the judicious course pursued by Ministers in the affairs of Portugal in the absence of any information on the subject. He regretted, therefore, that he could not agree in his gallant colleague's proposition. He deprecated such a vote, on the ground that it went not only to bring the Commons into collision with the Lords, but because its effect must be to create a feeling in the minds of Peers that there existed in that House of Parliament a disposition to interfere unnecessarily with the privileges of the other. It had been stated, that there was a short road by which to settle the question. Undoubtedly there was a short road from the top of a precipice to the bottom, but it might not be wise to take it. Was it a wise thing to accelerate a collision between two branches of the Legislature? In the contest now carrying on in Portugal, one party had been favoured to the exclusion of the other. He feared the result would be, that we should not acquire the respect or goodwill of either party. Don Miguel was naturally dissatisfied at our conduct, and the friends of Don Pedro did not think we had gone far enough in their favour. He could interpret that significant look and cheer of the right hon. Secretary—they implied that the dissatisfaction of the party of Don Pedro was a proof of the neutrality of Government. But all he (Mr. Robinson) contended for was, that our conduct had been such as to alienate from us the Portuguese of both parties. He did not know that Miguel was a usurper, but he was undoubtedly a perjurer, and disentitled to respect or support. Therefore he (Mr. Robinson) did not pursue his present course from any wish to side with Don Miguel. The Government, however, had offered to recognize Miguel if he would declare an amnesty. He did not know whether the present Government made that offer, but undoubtedly the former Government did. He thought that when Miguel assumed the supreme power, the British Government of the day might have displaced him, and that it would have saved considerable embarrassment, which subsequently occurred, if this course had been adopted. However, he did not know that Don Miguel might not be as fit to govern Portugal as Louis Philippe was to govern France. It appeared that there was great difference of opinion, not only on domestic questions, but on questions of foreign policy, between the two great branches of the Legislature. When they saw such differences existing, and there was no denying that they did exist, the greatest possible evil might be occasioned by bringing the two Houses of Parliament into collision. He repeated, that the existence of such differences of opinion was not to be denied. The noble Lord, the member for Devonshire, the other night stated that they were not only called upon to express their opinions on this subject, but that they were called upon to express an opinion diametrically opposite to that of the House of Lords upon it. Now, he would ask hon. Gentlemen, what would be gained by their coming to such a vote that night? He looked to the votes of that House, as they affected the country, and he would again ask what would be gained for the country by their coming to such a vote? He might be mistaken in his opinions, but they were opinions honestly and sincerely entertained. He would now consider such a vote as it affected the future policy of the country and his Majesty's Ministers. The vote to which the other House of Parliament had come called upon that House, it was said—so, indeed, his gallant colleague had contended—to come to a vote of a directly opposite description. Now, where would be the use of placing this House in direct collision with the other House of Parliament on this occasion? But it was said, that if they did not do so, it would be thought by the world that the Commons of England were opposed to his Majesty's Ministers. Now it was well known to the world that the great majority of that House supported the views and measures of his Majesty's Government; and the vote to which his gallant colleague required the House to come was not necessary to establish that fact. What, he would repeat, would be gained by their coming to such a vote? Would it not have a tendency to create an indisposition amongst many noble Peers towards that branch of the Legislature? Would it not be said, that the result of such a vote was to call in question the rights and privileges of the other House of Parliament? For his part he could not conceive a proceeding more unworthy of the Legislature. Could any man conceive anything more mischievous to the country than the thus gratuitously bringing the two branches of the Legislature into collision? Was it consistent with the dignity of that House to act in such a manner? Would it be wise on its part to do so? Were they to set such a dangerous and undignified example? It had been stated out of doors, that last year this House had come to a resolution, under analogous circumstances, opposed to the determination of the House of Lords. He (Mr. Robinson) was one of those who voted in the majority on that occasion, but he would deny, that there was any analogy between the two cases. The case which then occurred was one of strong and pressing necessity. His Majesty's Ministers had tendered their resignations, and it was understood that his Majesty intended to accept them. Upon that occasion, thinking that it was necessary for the country that they should be retained in office, he had voted in the majority. But was there, he would ask, the least likelihood of a change of Ministers now? Was it not, in fact, notorious, that the Government would continue as it was at present constituted? Where, then, would be the use of coming to such a vote as this? This Motion called upon the House, without having the proper parliamentary evidence before it, to declare it as its opinion, that the conduct of his Majesty's Government towards Portugal had been wise and judicious. Now, he (Mr. Robinson) was not prepared to concur in a vote of that kind; and if, before the close of the debate, no other hon. Member should do so, he would move, as an amendment on the original Motion, the previous question.

Lord *John Russell* said, that the hon. Gentleman who had just sat down had expressed opinions upon this subject, which he had no doubt were sincere and conscientious. In opposing the Motion, that hon. Member had laid the principal stress of his argument upon the danger of that House coming into collision with the other House of Parliament. Before he replied to that part of the hon. Gentleman's speech, he would just advert to some other points that had arisen in the course of the present debate. He would not say, that it was not necessary to discuss the character of Don Miguel, but that character had been so often discussed before, that it required but little illustration or remark to set it in its true light before the world. Indeed, he did not think that it was at all necessary to add a word to the condemnation which had been pronounced in the other House of Parliament not very long since by a noble Lord, then Secretary for Foreign Affairs, upon the conduct of that Prince, whom the noble Lord called false, cruel, and cowardly. There could not possibly be imagined any three qualities more disgraceful—qualities which could more degrade a man or a Prince than those which had been then enumerated by the noble Lord in question as distinguishing the character of Don Miguel. He would not say, whether or not the noble Lord had expressed himself in unusually strong terms in that instance, more especially considering the office which the noble Lord held at the time; but this he would say, that events which had happened since that period had most completely convinced him of the great discrimination which the noble Lord then evinced upon the subject. He would not say anything further regarding the character of that Prince beyond this, that it was not fair to assume that it should be matter of indifference to us. He was ready to admit that, generally speaking, such was the principle which should guide this country in such cases, and had we no more connexion with Portugal or with

Don Miguel than the United States of America had, it would have been perfectly consistent for us to have adopted the same course that they did without at all inquiring into the character of Don Miguel; but when it was recollected that Don Miguel had bound himself by a solemn treaty to this country and its allies, that he came over here, and in the presence of the Sovereign of this country made the most solemn promises to act as Regent and not as King, it was obvious that this country was called upon, in justice to itself and to its own honour, to keep a strict eye upon his character and conduct. This gross violation of all those solemn promises, thus made in the presence of the Sovereign of this country, was the reason that the conduct of Don Miguel did not, as it ought not, satisfy this country—was the reason that he had not entitled himself to the good opinion of this country, and that his recognition had been delayed up to the time when the present Ministers came into office. They then found, indeed, that the recognition had been proposed to him by their predecessors on the condition that he would grant an amnesty. A more unfortunate proposition there surely could not have been made. It was a condition, the fulfilment of which required at least the possession of good faith and humanity on the part of the person upon whom it was imposed, and it was a mere mockery to demand such a condition from a Prince who was notoriously deficient in both those requisite qualifications. The question then was, as the gallant member for Worcester had stated it, whether since that period, as we had not acknowledged Don Miguel, we had not preserved that neutrality which we were called upon to maintain? Now, upon the subject of neutrality and the course which had been pursued, the question was, whether or not this country had, as a State, furnished assistance to either of the contending parties? The question, he repeated, was, whether the State had furnished men, arms, or equipments, to both parties, or to either of them? Now, no one would dispute the necessity of the State, when determined to maintain a neutrality, abstaining from furnishing such assistance to either of the contending parties; but in arguments upon this question he had to observe that the State was not unfrequently confounded with the subjects of the State. Indeed, he had often heard quotations which meant nothing more than that the State should not assist either party, applied where such an application was most erroneous—namely, to the case of the subjects of the State assisting either party. With respect to the furnishing the munitions and equipments of war to belligerent parties by the subjects of the State, he believed that a neutrality of that kind had never been the policy of this country: he believed that we had never attempted to prevent our subjects from furnishing arms and ammunition to either party engaged in a contest with regard to which this country as a State preserved a neutrality; and he was convinced, that if we ever attempted to do so, such an attempt would not only produce great embarrassment in trade, but would lead us into actual collision with either one or other of the belligerent parties. If we were to say, that no arms or ammunition should go to Buenos Ayres because that State was at war with Peru, or to the Pacha of Egypt because he was at war with the Sultan, such a determination would lead to an impossibility of avoiding war. It had always been the practice of this country, therefore, to allow stores of all kinds to be exported, and, in this instance, certainly, they had been most impartially obtained by both parties. If we allowed stores and ammunition of war to go out to Don Pedro, they had also been allowed to go out to Don Miguel: a large quantity was sent to him by the *Thetis*. He received by that conveyance 600 shells and a gun, which had been recently purchased at Birmingham for 1,100*l.*, and within the last three weeks shells had been discharged from that gun upon Oporto. It could not be said, that the Government was bound, because it was neutral, to interfere and prevent the sending out of such supplies. The interference would be sure to be interpreted by one party or the other as an act of partiality and as an infringement of neutrality. Although the Foreign Enlistment Bill had been passed to effect, amongst other objects, that of preventing individuals from supplying belligerent states with warlike stores, it had been found impossible, under its provisions to carry that object into effect. The right hon. Gentleman opposite had quoted the authority of Mr. Canning. Mr. Canning was certainly amongst the most forward in procuring the passing of the Foreign Enlistment Bill, but what had subsequently happened in Mr. Canning's time, during the contest between Greece and the Porte? Was it not a notorious fact that steam-boats went out of this country with supplies of arms and ammunition for the Greeks against the Porte? When that fact was mentioned in the House of Commons, what was the defence made by Mr. Canning? He would quote the statement of Mr. Canning from a pamphlet which professed to give his very words on that occasion. He said: "Steam-boats may go, but they must go without arms; and so, also, may arms as a matter of merchandise; and however strong a moral credence of their real destination we may have, by law we cannot stop them." Mr. Canning said, further, "that unless the arms, the ammunition, and the vessel went out together, or could be shown to be connected together, they could not be stopped." In fact, Mr. Canning distinctly stated, "That if the parties so managed as to send out the vessels, and the ammunition and arms apart, and without a fixed destination, and then arranged to assemble and to combine them in some foreign port it was impossible for the Government to prevent their doing so." It was clear, then, that it was not possible, under the Foreign Enlistment Bill, to prevent the subjects of this State from sending out to either party, for the sake of the cause, or for the sake of profit, such munitions and equipments of war. He next came to the case of the subjects of this country engaging in the service of a foreign power. That, he believed, was the case as regarded the vessels detained by the Commissioners of Customs and to which reference had been made by the right hon. Gentleman. Those vessels were detained under an order from the Secretary of State for the Home Department, who, having been informed that a question had arisen regarding them, the issue of which was doubtful, ordered them to be detained until it was determined. They were accordingly detained by the Commissioners of Customs, and his Majesty's Ministers referred the case to the law officers of the Crown for their opinion upon it. The King's Advocate and the other law officers of the Crown to whom the case was referred gave it as their opinion that the information in this instance was too vague to authorise the detention of those vessels. The right hon. Gentleman told them that other lawyers had given a different opinion. He (Lord John Russell) would ask whether the Government, instead of asking the opinion of the King's Advocate, and of the Attorney and the Solicitor General, should have gone to that learned person Sir C. Wetherell, and to other such learned persons for their opinion upon it? Were they to say to those learned persons: "We care not for the opinion of our own law officers, we want your opinion, and by it we will be guided in our conduct in this instance." The Government certainly could not be accused of adopting such an absurd course of proceeding. The law officers of the Crown having, then, given the opinion he had mentioned, nothing was left to his Majesty's Ministers but to tell the Commissioners of Customs to let the vessels depart. They were all well aware that in the more ancient periods of our history it had not been the policy of this country to prevent its subjects from engaging in the service of foreign states. They—all of them who had heard or read the able and eloquent speech of Sir James Mackintosh on the Foreign Enlistment Bill—were aware that in the times of Elizabeth and of James 1st, such a principle as that of preventing the subjects of this country from engaging in the service of a foreign power had not only not been acted upon, but refused to be acted upon, even at the solicitation of Spain and France—that in the reign of James 1st, despite the remonstrances of Gondomar, the Spanish Ambassador, troops levied here were allowed to serve in Flanders against the Spaniards, and that, in fine, to use the words of his lamented and eloquent friend, "What we had refused to the greatest of modern military tyrants and despotic Sovereigns—what we had denied to Louis 14th, and to Philip 2nd—we were required to give to such a man as Ferdinand 7th." * There was no doubt that it was at the instance of the Ambassador of Ferdinand 7th that the Foreign Enlistment Bill had been passed; but before that time it had not been the policy of this country to prevent its subjects from engaging in the service of a foreign power. He might mention that in the time of Charles 2nd the Duke of Marlborough entered a foreign service, and made his first campaign, in which he learned the art of war, under the celebrated Turenne. The first time that the new principle—that principle on which the Foreign Enlistment Bill was founded—was introduced was in

---

* Hansard, xl. p. 1098.

the time of George 2nd, and then it was introduced because the subjects of this country while they engaged nominally to serve under Louis 15th, really engaged to serve under the Pretender. It was to prevent that, the 29th of George 2nd was passed; and while the first part of that Act went to prevent the subjects of this country from entering the service of the French king, which it declared to be disgraceful and dishonourable, the second part of it went to allow the subjects of this country to enter the Scotch brigade which had been raised for the service of the United Provinces; thus, instead of taking away, acknowledging, the right of the people of this country to enter a brigade of troops raised for the service of a foreign power. Suppose that the United Provinces had at that period gone to war with Prussia, or with Russia, and that it was then argued that this country had violated its neutrality because the Scotch brigade in the service of the first-named power had been recruited from amongst its subjects, there was little doubt that the Ministers of George 2nd would have at once repudiated and scouted such a doctrine. Since the passing of the Foreign Enlistment Bill, assistance had been given by subjects of this realm to Greece and South America. Had the persons who had thus entered the service of foreign states been punished for a misdemeanour under that Bill? Had not his gallant friend Sir Robert Wilson, who with his own hands had pointed the guns at the defence of Corunna against the French, been subsequently restored to his rank of Lieutenant-general in the British army, notwithstanding the offence which he had committed in violating the provisions of the Foreign Enlistment Bill? He quoted that instance because it had occurred during the existence of the late Administration. Under the present Government a noble Lord had been restored to his rank in the Navy, though he also had violated the Foreign Enlistment Act. When, therefore, persons of such high rank—Generals and Admirals—were not punished for doing so, it would be impossible to punish soldiers, mere privates, for having entered a foreign service. The right hon. Gentleman opposite had praised Sir John Campbell. Now he (Lord John Russell) did not think, with the exception of Sir John Campbell's having the good fortune of having a Portuguese wife, that his case and that of Admiral Sartorius differed in the slightest degree. It appeared, indeed, to him, that both those officers might very well pair off together; and those two instances proved that his Majesty's Ministers, instead of having been guilty of partiality, had been most completely and decidedly neutral in reference to this contest. When he said they were impartial in reference to this contest, he was ready to say, at the same time, that he fully participated in the sentiment expressed by Mr. Canning on the occasion of the French invasion of Spain, when he prayed for the success of the Spaniards against their invaders. In the same spirit he did not feel it to be improper or unbecoming to express a wish in a British Parliament, though it was our policy to remain neutral in a contest between cruelty and bigotry on the one hand, and liberal opinions and liberal institutions on the other, that the one side, the side of liberty and toleration, should prevail over the other. He was willing to grant to the right hon. Gentleman the cases which he had quoted against Don Pedro; but the statement as to Don Pedro's flogging a young soldier, bad as it was, would not bear comparison with the well-authenticated stories which they had heard of Don Miguel. Having now disposed of the question of neutrality, which he trusted he had shown his Majesty's Government had strictly preserved in this case, he came to the point to which he had referred in the first instance — he meant that which had been raised by the hon. member for Worcester (Mr. Robinson). That hon. Gentleman intimated that great danger would result from coming to such a vote as the proposed one to-night—namely, a collision with the House of Lords. If such a collision should occur, it was not to that hon. Member's colleague (Colonel Davies) that the blame was to attach. In that case, he thought that the House of Lords, having declared an opinion, which it appeared to him that they had done, in the way of a censure upon the late conduct of his Majesty's Government in reference to Portugal, it devolved on the House of Commons, under such circumstances, disagreeing as it did from that opinion, to address his Majesty, as it had an undoubted right to do, also upon the subject. Instead, therefore, of that House placing itself, as the hon. Member recommended, exactly in the same neutral position that the country stood in between

Don Pedro and Don Miguel, he thought, after what had occurred, that there could be no objection to their carrying up to the Throne their sentiments upon this question, whether they were in accordance with those of the hon. member for Worcester, who brought forward the Motion, or whether they were in accordance, which was rather improbable, with the sentiments expressed by his hon. colleague. But whether the sentiments of the majority of the House coincided with those of one hon. Member or of the other, it was not fair to say, that that House, in carrying up its sentiments to the Throne, could be considered as at all interfering with the other House of Parliament. He denied, that in doing so they would be seeking to provoke a collision with the House of Lords. The great object of his conduct—and the same had been the object of all his colleagues, but he had been placed prominently forward in regard to the measures to which he was about to refer—the great object in all his former conduct had been to prevent the chance of such a collision; and if in certain measures he had confined himself within certain restrictions—if he had abstained from pressing forward opinions which were deep-seated in his breast—if he had abstained in any instance from carrying into effect views and opinions which, the more he considered them, the more he was convinced of their being most essential to the happiness, prosperity, and welfare, of this country, let the House, let hon. Gentlemen be assured that he did not decline then urging those views in consequence of any change that had taken place in his opinions, or in consequence of any wish to preserve office or place, but because he saw there was no chance of then carrying them into effect without bringing into collision the two branches of the Legislature—a result which no men should wantonly or carelessly bring on, and which, in the present condition of this country, would be a very great misfortune, throwing on those who governed the country as heavy a responsibility as ever fell on any men. These were the reasons which had guided his conduct and that of his Majesty's Ministers. He did not think that, upon this occasion, they, at least, could be reproached with having done anything that was likely to bring into collision the two branches of the Legislature. They had pursued that course of policy with regard to Portugal which they thought conducive to the best interests of the empire—they had acted so as to preserve, unstained, the honour of the country, and they now cheerfully and fearlessly appealed to the vote of that House to prove that they had been right.

Captain *Yorke* denied, that the instances to which the noble Lord had referred, of assistance being afforded to Greece in the time of Mr. Canning, were at all applicable to the present case. The fact was, that the masters of the two ships alluded to which sailed from this country in 1825, were afterwards fined by Government for a breach of the Act of Parliament. He was himself stationed at that time in the Mediterranean, and on coming up with a convoy which had been fitted out in this country, and which was destined for the assistance of the Turks; finding that they sailed under British colours, though he was not in sufficient force to take them, he made them haul down the British and hoist the Turkish colours. For that act he had been commended by the Admiralty, and he understood that Mr. Canning had praised his conduct on that occasion. The Speech from the Throne had led all the world to believe that a perfect neutrality was to be preserved, yet, it could not be denied that the results had shown that a war had been carried on against Don Miguel. Vessels had been continually leaving the ports of this realm, and it was impossible that they could have quitted those ports without the Government being cognizant, for as Customs dues were to be paid, every information as to their cargoes and destination could be afforded to the Government by its own officers in the various ports of the kingdom. But he (Captain Yorke) wished much to know what the ships in his Majesty's service had been doing so long in the Douro? Of the duty those ships were performing, the Government could not be uninformed, for the right hon. Baronet (the First Lord of the Admiralty) must have been regularly in receipt of returns from the officers in command. Every vessel leaving the ports of this country must be provided with a clearance and manifest of her cargo, as the House could not but know; and it was equally well known that any variation between the contents of the vessel and those documents rendered her the lawful prize of any of his Majesty's ships. If his Majesty's fleets in the Douro had been made use of for the purposes of landing the munitions of war, he believed it was contrary to every regulation under which a British officer ought, under such circumstances, to act. He must contend, notwithstanding the speech of the noble Lord, the Paymaster of the Forces, that neutrality had never been the object of his Majesty's Government. How, then, he would ask the House, could any officer in the service of Don Pedro be, with any shadow of justice, visited in the manner that Admiral Sartorius had been treated by the Government of this country? Would it be just, in the same way to meet an officer of undoubted courage and experience who had taken the command of a recent expedition in the same cause, and who had made a declaration that he would be dead, or in three weeks he would take Lisbon? He should wish to know from the noble Lord, the Secretary for Foreign Affairs, what would be the effect of the French troops taking possession of Lisbon? Enough had already been seen of the effects of the possession by the French of Algiers, Ancona, and Belgium? but if Lisbon should get into the hands of the French, he was satisfied the noble Lord would not feel very easy with such a state of affairs. He believed, that the vast majority of the people of this country had no disposition to surrender the rights and privileges which they enjoyed in commerce and their great influence over the seas, into the hands and dominion of their ancient foes. With regard to the expedition under Captain Napier, he deemed it right to state, that two steam-vessels had sailed from Falmouth—the *Birmingham,* with 200 English volunteers, and the *Britannia,* with 256 volunteers, possessing a very soldier-like appearance, and who seemed, as was stated, to understand the duties of a soldier. Now, he would maintain, that the number of volunteers was not to decide the question of a maintenance of neutrality, and he would boldly ask the House, whether, even if that number, provided with ammunition, so left this country, a strict neutrality was maintained? He could not help deeply regretting that this question was, to his surprise, brought forward upon the present occasion, more to try the comparative strength of the two Houses of Parliament, than, to try the merits of the question itself. He regretted this the more, because he was sure, that if the matter was placed on abstract principles, and was not biassed by party feeling, it would, at least, meet with a calm and deliberate consideration. The neutrality which had been spoken and boasted of by the noble Lord opposite had, he must again insist, not been maintained; and he could not doubt the object of the noble Lord, the member for Devonshire, when he improvidently rose the other night to play the same part which he had done last year. The noble Lord had again introduced his conception of a collision to be anticipated between the two Houses of Parliament. He could not remain quiet after hearing the noble Lord opposite, without thus giving expression to his sentiments on this interesting subject.

Mr. *O'Connell* would vote for the Motion; and in supporting it, as it implied confidence in his Majesty's Ministers, nobody would suspect him of any interested motives. The House was bound to come to that conclusion if they meant to support neutrality. What was the present situation as to neutrality? Had they not a vote of one House operating in favour of Don Miguel? He said yes! the other House had given the privilege of their countenance, as far as it went, to Don Miguel. He was just the sort of person for the Conservatives to take in hand. The hon. Member talked of a collision with the other House, but who began it? Why the other House. They had characteristically taken Don Miguel's part, and had placed themselves in a false position. They had begun the battle by throwing their shield over Don Miguel and his policy. It was admitted even by all the speakers who were in his favour, that he was a usurper, and not only a usurper, but a perjured man, a murderer, and a traitor to his father and his country. That was the man over whom the other House had thrown their shield—that was the man whose cause the other House had sanctified, and to restore neutrality, they ought to give a vote on the other side. The Resolution of that House ought to go abroad to neutralize the vote of the other, and he believed it would have quite as much moral effect as the vote of the other House. The country, it was plain, was divided into two parties—the party which wished to reap the benefits of Reform, and the party which wished to withhold them. The Ministers said, that they were willing to give the people those benefits, but they could not go so far as they wished, because they were stopped by the party opposed to all Reform, and there must, at one time or the other, be a collision between these parties. If there was not good sense enough and good temper enough in the party opposed to the Government and to Reform to give way—if they could not read the signs of the times—if they would expose themselves and the country to great risks, by not giving up their old prejudices, why a collision must come. "They (said Mr. O'Connell) have begun it, and we will not shrink from it. The country requires from us that we should take a determined part." The Members who wished to defend the country from disaster and avert anarchy, should support the Resolution. That was due to the principle of improvement in our institutions, to which the majority were bound. What was it the Ministers were charged with? They were not charged with having supported one of the brothers; they were not charged with being partizans of either; but they were charged that they did not support Don Miguel. They did not interfere, however, to prevent Don Miguel coming here for soldiers. He had money, why did he get none? Why, not one man would enlist under his banners as a soldier. He could not get a single soldier here, though he might get great Captains. There was not an English, Scotch, or Irish fighting man who would serve under such a man. He might get assistance from another quarter. There he might get churchmen as supporters. He thought he saw them marching forth, with their lawn sleeves, the true church militant, going to aid Don Miguel. What, he again asked, was the amount of the charge? Why, simply this—that Don Miguel was so bad that he could find no support. There was not one person who had spoken, who did not admit this character. The right hon. and gallant Officer (Sir Henry Hardinge), whom everybody, of all parties, respected, had taken care, with the true chivalrous spirit of a British soldier, not to tarnish his high character by saying that he approved of Don Miguel's character. Would anything have been said had the troops which had gone to support Don Pedro been engaged in pulling down constitutional doctrines? Would any complaint have been made had the troops gone to assist Don Miguel? He recollected a time under the late Government, when Don Pedro was engaged against the constitutionalists, when that Government allowed him to levy troops in Ireland. Colonel Cotter and Colonel Baldwin raised a regiment intended for the service of Don Pedro. They did it openly—they appointed officers and gave away commissions, and he himself had two of these commissions. The whole thing was public—it was known and not hindered. The men, when they embarked, indeed, assumed the character of husbandmen, and took a few husbandry tools with them, but they took a great number more muskets—six or seven hundred. It was said the Foreign Enlistment Act was not enforced; but how was legal proof of its violation to be obtained? He declared that there could scarcely be legal proof, unless some person who was a *particeps criminis* should make an affidavit of the destination and employment of the vessels. Some man, then, must betray the cause he had sworn to support, before an affidavit affording legal proof could be obtained. In what way, too, had the Act of Parliament been violated? Why it was said, that some poor-houses had been cleared. He wished more of them had been emptied. He was glad that this class of men expatriated themselves. It was a good thing that they risked their necks abroad instead of staying to risk them at home in a less glorious way. They were a class of people whom every Government might be glad to get rid of, and glad if they were engaged abroad. They carried no capital with them, they were not monied men, and were not likely to increase by their capital and labour the resources of any other country. If more of that sort of people were to go, he should not regret it, and he should regret it the less, if, in going, they could do service to the cause of freedom. There was in this case the constitutional principle involved, and he acknowledged, whether it were prejudice or not, that he had an attachment to constitutional principles. He approved, too, of the character of the constitutionalists of Portugal, and the more, as their proceedings contrasted favourably with those of the constitutionalists of Spain and the liberals of France. The constitutionalists of Spain had destroyed all the old constitution of the country—they had rooted up the foundations, on the notion of giving a sort of union and completeness to the government they had adopted—the principle of the Jacobins—and gone forward on the principle of destroying the whole system. They had made it better for the wealthy man, but not for the poor; they had, by cutting off entails, unfettered the nobility, and promoted the happiness of the rich, but they had taken away the resources of the poor, inasmuch as they had abolished convents, and gave the poor no other means of support. That was what the constitutionalists of Spain had done; the constitutionalists of Portugal had pursued a different course. They had only sought to reform and amend the institutions of their country in a gradual and constitutional way. Don Miguel had interfered and put a stop to all reform, notwithstanding his oath. The noble Lord had called him a monster of indiscretion; and was it with such a monster that we were to enter into terms of amity? The Ministers ought not to support him. Instead of complaining of Ministers for not preventing the people from assisting Don Pedro, he thought, under the circumstances of the country, if there was no risk of a general war, the Ministers would rather deserve to be impeached, if they did not make war on Don Miguel. They should, perhaps, act a bolder part, and send a few regiments of brave British soldiers to Portugal, who would put an end to the contest in half an hour. But it was said, that Miguel, the man who was called a miscreant, was popular in Portugal. If the people did like him, that was a proof that they were worthy of him. But it was a calumny. What proportion of the people supported him? Where was the rising in arms in his favour? He had heard of none. A small detachment kept possession of a corner of his kingdom, and none of his people came to his aid. One-sixteenth of his subjects had passed through his dungeons, or been obliged to flee from the tyranny the monster had established. It was time that it should have a limit. It was time that a declaration should be made by that House to support Don Pedro, and put an end to the dominion of Don Miguel. In coming to a vote of that kind, he had no doubt that the national feelings would be on their side, and to such a vote he would give his most hearty concurrence.

Sir *Robert Peel* said, he could understand the motives which induced the hon. and learned Gentleman to support the Resolution of the hon. and gallant officer. The hon. and learned Gentleman had become that evening an open and eloquent advocate of the principle, that we should directly interfere with the domestic government of another and an independent country. He would annihilate in another nation the right of judgment, and would give it a different government, because he disapproved of the Ruler it had chosen for itself. The hon. and learned Gentleman would have us not limit ourselves to the barren expression of disapprobation—he would go so far as to send regiments to a foreign country, to dictate who should be its sovereign. The hon. and learned Gentleman's advice went that length. The hon. and learned Gentleman did not justify neutrality; but because he disapproved of Don Miguel, he would resort to war to dispossess that prince of his throne, and supply that throne with a successor. And this was the doctrine of a Gentleman who was an eloquent teacher in that school which laid it down as a fundamental rule, that we should not interfere in the domestic concerns of other nations. That school recognized as their leading principle, that every people should be left to choose their own government. He thought that the hon. and learned Gentleman was one of the most ardent and eloquent defenders of those principles, but that night the hon. and learned Gentleman had contended for the abominable tyranny, that we might interfere for what he called freedom, and that tyranny, if covered with the veil of liberalism might be forced upon people at the point of the bayonet. If tyranny were only employed to support liberalism, it appeared that there was no tyranny the hon. and learned Gentleman was not ready to support. There was no war in which he was not ready to involve the country for the sake of his principles, nor any lengths to which he would not go to put down an individual to whom he was opposed. "Recognize Don Miguel!" said the hon. Gentleman, "Was there ever such a monstrous proposition? What! recognize a perjurer and a murderer? Impossible!" But the merits of Don Miguel had nothing whatever to do with the proposition before the House. Admitting that he had been guilty of all sorts of crimes, that he was a monster, and guilty of perjury, what had that to do with the question whether we had observed the neutrality we professed? When the hon. member for Worcester spoke of him as a person unworthy to reign, and as a person whom it would be improper to recognize, the noble Lord (Lord Palmerston) held up his hand as giving that sentiment his full approbation; but before the noble Lord did that, he should recollect the opinions of his colleagues, and particularly of the noble Lord, the Chancellor of the Exchequer. The Chancellor of the Exchequer, in the debate on the King's Speech, before the noble Lord came into office, which said that it hoped the time would soon come when Don Miguel might be recognized by this country—the noble Lord said in the debate on that Speech, "that this part of the Speech he heartily approved of, and in his opinion there had been too long a delay in recognizing Don Miguel." [Lord *Althorp* said, he did not say that the delay had been too long, but that the time had come]. He begged the noble Lord's pardon; but he saw very little difference between what he had attributed to the noble Lord and what the noble Lord admitted he had said. The noble Lord did not say that the delay had been too long, but that the time had come when Don Miguel ought to be recognized. That was a distinct opinion, given some years ago; and since then a considerable time had elapsed, calculated to prove the stability and security of Don Miguel's government, making the non-recognition of it less excusable on the part of the Government, for with his character that recognition had nothing whatever to do. He would not enter into the character of Don Pedro, nor advert to his supplanting his father. The history of that, though curious, might be very unprofitable. But he would ask the House to put aside all feelings of this description—he would ask them to look at the permanent policy of England, and determine if it was a safe principle to refuse to acknowledge a Sovereign on account of his personal misconduct? He would ask them to be guided—not by their feelings—but by those principles which must regulate our public policy. The principle, that the character of an individual sovereign should not interfere with public policy, had long been advocated by the Whigs themselves. Discussions on this subject had taken place during the revolutionary war, and Mr. Fox had then expressly declared, that the private character of a ruler should not prevent the Government from recognizing him. Let the House look at the debate in 1800, on the overture made by the French Republic to the Government of this country, to enter into negotiations. In that debate Mr. Fox said:—'I am 'not justifying the French—I am not 'striving to absolve them from blame, 'either in their internal or external policy. 'I think, on the contrary, that their successive rulers have been as bad and as 'execrable, in various instances, as any of 'the most despotic and unprincipled governments that the world ever saw. No 'man regrets, Sir, more than I do, the 'enormities that France has committed; 'but how do they bear upon the question 'as it now stands? Are we for ever to 'deprive ourselves of the benefits of 'peace, because France has perpetrated 'acts of injustice? Sir, we cannot acquit 'ourselves upon such ground. Sir, we 'have heard to-night a great many most 'acrimonious invectives against Buonaparte '—against the whole course of his conduct, and against the unprincipled manner in which he seized upon the reins of 'government. I will not make his defence—I think all this sort of invective, 'which is used only to inflame the passions of this House and of the country, 'exceedingly ill-timed, and very impolitic.' He thought the language of Mr. Fox then was exactly applicable to Don Miguel now; and the language which he applied to the character of Buonaparte might, with equal justice, be applied to Don Miguel. The simple question to be decided in such case was only who was, *de facto*, sovereign, who had a sufficient testimony in the continued obedience of his subjects, and the sanction of the authorities of the country, that he could maintain and preserve the usual relations with other states? What endless disputes would be caused if the recognition of sovereigns were made to depend on their private characters? They must not make a public inquiry into the character of the Government, but into that of the individual; and if the character of the sovereign were bad, the government was to be considered as deserving of no faith or confidence. If they were to look at the private character of sovereigns, they could keep up no relations with the Porte. What, also, could be done with respect to Morocco or Algiers? He repeated that principles of public policy, and not of individual character, were the only proper guides on such questions. In the debate already alluded to, Mr. Fox had defended the principle, that the character of Buonaparte should not weigh with the Government of England; and the same arguments might be applied to Don Miguel. Mr. Fox observed, 'It was said 'Cromwell was a usurper, but would it 'not have been insanity in France and 'Spain to refuse to treat with him, be'cause he was a usurper? No, Sir, these 'are not the maxims by which go'vernments are actuated. They do not 'inquire so much into the means by which 'power may have been acquired, as into 'the fact of where the power resides. 'The people did acquiesce in the govern'ment of Cromwell; but it may be said, 'that the splendour of his talents, the 'vigour of his Administration, the high 'tone with which he spoke to foreign 'nations, the success of his arms, and the 'character which he gave to the English 'name, induced the nation to acquiesce 'in his usurpation; and that we must not 'try Buonaparte by this example.' Mr. Fox scouted the idea, that if the government were not fit for the people they would readily obey it. Mr. Fox said, it was enough for us that the people did obey the government of France, of whatever materials it might be composed. That principle was now applicable to Portugal. However strange might be the choice made by the Portuguese, the character of their sovereign was of no consequence to other nations. His Majesty's Government had, in fact, already decided every question which could arise as to character, by professing neutrality. We had determined on neutrality, and the question was—had neutrality been observed? The noble Lord said, that his wishes were in favour of Don Pedro, but if the noble Lord had suffered those wishes to influence his conduct after advising his Majesty to preserve neutrality, he had done wrong. After giving such advice, it was his business to see that the measures of neutrality, as laid down in the laws of nations, should be enforced. How had the Government maintained this neutrality? The Speech from the Throne declared that non-interference in the contest which existed should guide this country, and that we should adhere to the strictest neutrality; and how had that declaration been followed? Why, large parties of his Majesty's subjects had engaged in direct hostility against one of the parties? The question was, whether in suffering these expeditions of disciplined troops to go from our shores we had preserved neutrality? The noble Lord had referred to the cases of individuals, and mentioned Sir Robert Wilson and others who had entered into foreign service; but there was a great difference between individuals entering into a foreign service during a contest between nations, and whole fleets going from our shores, to assist one of two contending parties. It was not prudent in the noble Lord to point attention to the conduct of individuals in such cases, because the Government had found it necessary sometimes to punish such individuals as were guilty of that very breach of neutrality which the noble Lord quoted their example to prove had not been broken. The noble Lord had said he would refer the House to the speech of Sir James Mackintosh—but how did that apply to the present case; The argument of Sir James Mackintosh went merely to this—not that the Government should not enforce the existing law—not that they should not issue a Proclamation founded on Statute-law, but that they should not, at the remonstrance of Spain, alter the law and adopt a new course of Legislation. Sir James Mackintosh said, there would be no end to the demands of foreign Powers if the principle were once admitted that our system of jurisprudence were to be altered at their pleasure.* But he as distinctly asserted that the law, whatever it was, ought to be enforced. When the noble Lord dwelt with so much satisfaction on the argument of Sir James Mackintosh, he entirely refuted the arguments of one of his own colleagues, the Judge Advocate, who replied to Sir James Mackintosh on that occasion, and destroyed every principle he maintained; sustaining one of the ablest arguments he had ever heard brought forward in Parliament in favour of this principle—that it was a violation of neutrality for individual members of the State to carry on war after the State itself had declared its neutrality. These opinions on the principles of law were not subject to change. He asked how those who contended that the hostile expedition sent from this country was not at variance with neutrality could reconcile that doctrine with the deliberate opinion of the great writers on the law of nations. But, knowing the distaste of the House for such references, he would merely read the summary of the opinion of the Judge Advocate—a lawyer—a man deeply versed in these matters, who had made them his study, and whose deliberate opinion, thus strongly pronounced, could not be disputed. He said:—'On the whole, not 'only was the weight of authority in 'favour of the principle of the Bill, but 'not a single authority, or the shade of it, 'could be found in opposition to this 'plain, clear and irrefutable position, that 'when a neutral nation knowingly per'mitted the levying of troops in its terri'tory by one of two contending parties, 'and had gone so far as very materially 'to sway the fortunes of the war, then 'such nation was virtually departing from 'its neutral character, and assuming that 'of an enemy—at the same time in the 'worst manner, because not directly.'* This position was deliberately taken by a man of great learning, who had looked into the authorities—by a man chosen for one of the now highest law-officers, who laid down the principle, "that if your subject so interfere as materially to sway the fortunes of the war, in that case it is a departure from neutrality on your part, and it is worse than war, because you are exempting yourselves from responsibility." He did not contend that individuals entering into the service of this State or that, would necessarily call upon the Government for interference; but if the Government took no means whatever to prevent hostile expeditions sailing from our arsenals, which vary the fortunes of the war, then he affirmed that, according to the principles of the present Judge Advocate, that was a departure from the established principles of neutrality. The noble Lord referred to the principles of Mr. Canning: he said, Mr. Canning never interfered, and that he allowed steam-boats to sail without men. The noble Lord said, he believed that with respect to some particular vessel, the powers of the law were appealed to, but that Mr. Canning stated that, on reference to the law-officers, they were of opinion that the affidavits presented did not bring that vessel within the strict letter of the law. Without knowing the nature of the case submitted to the law-officers, he knew not what weight to attach to their opinion; and, consequently, he did not know whether the noble Lord's remarks were well founded. But there was a public proclamation issued in Council when Mr. Canning was Secretary of State, at a period when this very question arose;—"is it consistent with the avowed neutrality of this country for English subjects to demean themselves, in respect to hostilities, in a manner different from that pursued by the Sovereign of their State?" He did not care about the case of a single vessel, but when a complaint was made to Mr. Canning, in his capacity of Secretary of State, that British subjects were contravening the authority of the British Government—what course did Mr. Canning pursue, and what principles did he lay down. Now there was a proclamation of the King in Council, bearing date October 4th, 1825, which was most important. It said, 'Whereas 'his Majesty, being at peace with all the 'Powers and States of Europe and Ame'rica, has repeatedly declared his royal 'determination to maintain a strict and 'impartial neutrality in the different con'tests in which certain of those powers 'and subjects are engaged; and whereas 'the commission of acts of hostility by 'individual subjects of his Majesty against 'any power or state, or against the persons 'and properties of the subjects of any 'power or state which, being at peace 'with his Majesty, is at the same time 'engaged in a contest, with respect to 'which his Majesty has declared his de'termination to be neutral, is calculated 'to bring into question the sincerity of 'his Majesty's subjects. And whereas, if 'his Majesty's subjects cannot be effectu'ally restrained from such unwarranted 'commission of acts of hostility, it may be 'justly apprehended that the Government 'of England might be thereby liable'—and so on. 'His Majesty does hereby enjoin all 'his Majesty's subjects strictly to observe 'as well towards the Greeks as all other 'belligerents with whom his Majesty is at 'peace, neutrality and respect for the 'exercise of those rights which his Majesty 'has always continued to exercise when 'his Majesty has himself been unhappily 'engaged in war.' That was the doctrine which Mr. Canning held, and on which his Majesty's Ministers ought now to act. At a period when all the sympathies of the nation were in favour of Greece, did Mr. Canning come down to the House and excite its feeling, as he might have done, by painting in glowing colours the atrocities committed by the Sublime Porte? Did he try to raise their passions by detailing the slaughter of 1,500 Janissaries, in one night, at Constantinople? No: he said, "we have maintained certain relations with this power. If its subjects have a right of complaint, let them obtain redress for their own wrongs by force; but the policy of England, and the principles of the law of nations, dictate to us not to meddle with the internal affairs of other nations—not to inquire into the details of the seraglio of the Grand Sultan not to investigate the atrocities he may have committed against this man or against that woman. He is recognized by his own subjects—he is recognized by the constituted authorities—and it would be absurd in us to constitute ourselves the judges of his conduct." The noble Lord who referred to the authority of Mr. Canning, had it in that proclamation in aid of that of his Judge-Advocate, and the principles of the Judge-Advocate, and the practice of Mr. Canning, were consistent with each other. The noble Lord maintained the alarming proposition—that the subjects of this country had a right to judge for themselves into what hostilities they would enter. The noble Lord said the dominion of all law was at an end: the King's Government maintained its neutrality—it gave orders to its own ships of war to abstain from interference; but it was a matter of entire indifference what the subjects of his Majesty did. He lamented to hear such a doctrine, because if it were practically acted upon with respect to powerful states, there could be no security for the continuance of peace for a single year. It might serve to neglect the observance of such a principle in the case of Portugal; it might be well to neglect it in the case of those who had not the power to avenge their wrongs; but neglect it either in the case of the United States, or in the case of France, and what would be the consequence. Why, the noble Lord were to maintain, in case a powerful insurrection had arisen in La Vendee, directed against the government of Louis Philippe in France, that it would have been a matter of entire indifference whether Charles 10th, residing at Holyrood, had employed 200,000*l.* or 300,000*l.* in the purchase of steam boats—had employed British officers, concurring with him in political principles, in the command of hostile expeditions—and had directed that force against the lawful authority of Louis Philippe on the eastern coast of France, could he have expected that France would not have remonstrated, and would it have been sufficient for the noble Lord to have said, in answer to those remonstrances, "these are the unauthorized acts of the King's subjects?" Would the Government, after complaint made of the unauthorized nature of the acts, have ordered the release of the vessels, and refused to hear additional evidence of the illegality of the transaction when it was offered? In the event of an insurrection in the United States on the part of the black population, if individuals, concurring, in the opinion of that population, as to their rights, should employ themselves as they pleased in advancing and promoting that insurrection—would it be a sufficient answer on our part to say to the United States, "this is done without the authority of the Government of England—individuals are making use of our force, but we cannot help it—they are making use of the advantages of our geographical position, in order to carry sword and flame into the territories of a country towards which we are professing friendship, but we cannot interfere?" It would be utterly impossible—and God forbid that it should be possible to act on any such doctrine! Imagine the case of a dispute in France—the right of succession—and conceive the immense advantages which our position would give to one of the hostile powers if we allowed him to avail himself of it. Was it possible to say, that a Government, responsible for the maintenance of public peace, had no power to control its subjects in the prosecution of their warlike designs? And, above all, could it be said that commissioned officers of the King—men who have obtained naval and military experience by service in the armies and fleets of England—that they should have the power of rendering their skill, experience, and bravery subservient to the purposes of another state? Over them, at least, the King had a direct control; his Majesty might issue a Proclamation directing them to return to this country, and he had the power of enforcing his orders. It had been asked, why should invidious comparisons be drawn between Sir John Campbell and Admiral Sartorius? He had heard no such invidious comparisons. He did not ask the Government to withdraw its subjects from the service of one of these conflicting powers, but from both, if their assistance to either be contrary to the interests of this country, and in opposition to the principles upon which this Government ought to have proceeded. That was the course which the Government ought to have pursued, in conformity with its own declared principles. It was monstrous that the subjects of the King should have the power of making war against a power towards which the country was pledged to remain neutral. He did not speak of a few individuals going to the opposite side, as occurred in the case of the American war. His objection was not so much against individual instances, as against the system of sending out expeditions such as had been known to leave Falmouth and Spithead. To treat such expeditions as the acts of individuals merely, was laying down a dangerous principle—a principle which would lead to war, and a war in which he thought we could not fail to be involved. He now came to consider the propositions submitted to the House by the gallant Member. To the first of those propositions he could have no possible objection, because it merely stated the regret of the House at the continuance of hostilities in Portugal. The hon Gentleman called on the House, by his Resolution, to express their regret at the continuance of the contest in Portugal; to that he had no objection, but to the extraordinary *non sequitur* which followed, he certainly could not assent. The hon. Gentleman called upon the House to express their grateful acknowledgments for the judicious policy which his Majesty's Ministers had pursued in relation to that country. That policy was, in his opinion, much to be deprecated, for the present hostilities in Portugal were, in his opinion, mainly the result of the course pursued by his Majesty's Government. What would be the consequence of Don Pedro's success? He had seen a portion of the correspondence between his Majesty's Government and Spain, published in the *Augsburg Gazette*, in which they interdicted Spain from interfering with the contest in Portugal, and they laid down this undeniable basis of neutrality—that the independence of Portugal would be but a phrase without a meaning, if the sovereign of that country were to be placed upon the throne, not by the rights of birth, or by the support of the nation, but by the bayonets of foreigners. He would ask, then, if Don Pedro succeeded, to what would he owe his success but to foreign bayonets? There never was, perhaps, a sovereign put to a severer task than Don Miguel. What was the result? Why, notwithstanding his breach of fidelity, there was still proof that he held his power by the will of the people. This, indeed, was the only question to consider—did the people of Portugal, or did they not, approve of Don Miguel as their sovereign? What were the facts? The second city in the country had been for several months in the possession of Don Pedro; yet not one single village—no constituted authorities—no class of the people had declared in his favour. The Portuguese had declared their preference of the rule of Don Miguel to that of Don Pedro. If ever there was a temptation for men dissatisfied with the rule of the existing government to declare their dissatisfaction, it was in the case of Portugal. There was both temptation and opportunity, for the Governments of England and France had thrown their whole weight into the scale of Don Pedro. What, then, would be the consequence of Don Pedro's success? He would answer them in their own words, that the independence of Portugal would become a phrase without a meaning if that sovereign were elevated to the throne, not by the support of the nation, but by the bayonets of foreigners. Let the aid he derived from our forts and arsenals be withdrawn from him, and he would be immediately compelled to leave the country. The best feelings, the pride, the honour of the Portuguese, revolted at the attempt to impose his rule over them by foreign aid; and, if the attempt proved successful, indignation would, for ages to come, be universally felt throughout the nation. If his Majesty's Ministers, in their anxiety to secure the peace of Europe, had thought fit to interfere in the internal affairs of Greece and of Holland and Belgium, what right had they to interdict Spain from interfering in those of Portugal, especially since they had not themselves maintained a like neutrality? How much more right had not Spain so to interfere upon the principles of intervention avowed by his Majesty's Ministers? How much more dangerous to Spain was the continuance of hostilities in Portugal! Why, he would ask in conclusion, was not Don Miguel recognized two years ago, when the whole people of Portugal were satisfied with his sway? What the vote of the House might be on the present question he did not know. For himself, having uniformly disapproved of the policy pursued by Government with respect to Portugal, deeming it both unjust to the Portuguese people and dangerous to this country; and thinking, besides, that the success of the favoured party would be fraught with still more danger and injustice, he should refuse to give his assent to the propositions brought forward that night.

---

* Hansard, xl. p. 1094.

---

* Hansard, xl, p. 1247.

Lord *John Russell*, in explanation, said that he never denied the right of the Crown to interfere to prevent the levying of men for foreign service, but only expressed a doubt of that right being practicable of enforcement in many instances.

Viscount *Palmerston* said, it was singular that some of the hon. Members who opposed the proposition, should object to the discussion, on the ground of a want of information, since no such tenderness or compunction had been shown in another place when the self-same question was discussed. To come to the subject more immediately before the House, the right hon. Baronet said, that the personal character of Don Miguel had nothing to do with it, but he believed that it was the personal character of that prince which induced the late Government to order our Ambassador, in the first instance, to leave Lisbon, and afterwards to abstain, so long as they remained in office, from renewing friendly relations with Portugal. It was therefore perfectly consistent, that his noble friend should have considered, at that time, that the effect of the acquiescence of the Cortes in the sovereignty of Don Miguel afforded sufficient grounds, according to the principles which ought to govern the proceedings of this country, for acknowledging him as the sovereign of Portugal; and it was perfectly consistent, that he might now think, since a great degree of resistance had arisen to his claim, and since a civil war existed in Portugal, that there were not the same grounds for the acquiescence of this country in the claim of Don Miguel as formerly. We had no business to judge for other nations as to who ought, and who ought not to be their sovereign; and whenever it happened that any nation elected a sovereign, he agreed with the right hon. Baronet, that it was not consistent with the principles by which the policy of England ought to be directed, that we should assume, that we could form a more correct judgment on the question, than the nation over which the sovereign was to preside; and we ought, therefore, to recognize the sovereign whom it might choose. In the first place, he denied that the election of Don Miguel could in any degree be compared with that of the present king of the French. Don Miguel called an assembly of the Cortes, for the purpose of deciding whether he, then the lieutenant of his sovereign, to whom he had sworn allegiance, should be considered as sovereign in her room. He had no hesitation in saying, that, by the laws of Portugal, that assembly was illegal. According to every principle of honour and good faith, it was not competent for Don Miguel, in the situation in which he stood, to convene the assembly, for the purpose of putting forward the claim on which he founded his title to the throne. These matters did not apply, in any great degree, to the subject under discussion. The question was not, whether we judged rightly in abstaining from taking part with Donna Maria at the period when her claims were first put forth; but whether, having decided to remain neutral between the contending parties, we had, or had not, acted with honour and good faith upon that decision. It was open to the Government of this country to have espoused—had they thought proper to do so—the cause of Donna Maria, when first the expedition landed in Portugal; because it was admitted by all the writers upon the law of nations, that, when a civil war took place in a country—more especially when that war was carried on between two parties contending for the crown—any foreign nation might take up the cause of either party, as it might feel disposed, and might make them auxiliaries in the war. We had, therefore, a right, upon general principles, as we had every right arising out of the circumstances of this particular case, to determine, at that period, to give Donna Maria the assistance of our arms, for the purpose of placing her on that throne to which we had acknowledged her to be justly entitled. But very early in the affair, his Majesty's Government took a different decision; that decision was taken, not as had been represented, after the expedition landed, for the purpose of purchasing the neutrality of Spain; but before the expedition actually sailed from the Brazils, and it was taken on full deliberation, on general principles, and not for the particular object stated. At the same time, he was perfectly ready to admit, that when the expedition did land in Portugal, and when the Spanish Government collected a considerable army on the frontiers, for the purpose of taking part in the contest, this Government did say to the Government of Spain: 'We have 'determined to remain neutral; and by 'that determination we will abide; but if 'you act upon a contrary principle, and interfere, by force of arms, in the contest 'about to be waged in Portugal, we pledge 'ourselves, that, when you take part with 'Don Miguel, we shall deem it necessary 'for our interest to take part with Donna 'Maria.' It was for the purpose of watching the armament of Spain, that Lord William Russell was sent to Portugal. It was in pursuance of that determination, that orders were given to the fleet, which, for the protection of our own subjects, also, was stationed off the coast of Portugal. But it was said, that we had not adhered rigidly, and in good faith, to the neutrality to which we were pledged. No accusation was more unfounded. It was not even contended—at least no man had ventured to assert—that any act had been done by the Government of this country in any stage of the proceeding, at all inconsistent with its neutrality between the two parties. It had not been even alleged, that the Government had sent out ships, or men, or arms, to the aid of Donna Maria, or to the prejudice of the other side. But it was contended, that Government had taken no steps to prevent the individual subjects of the State from embarking in a cause which happened to be congenial to the feelings of the people of this country. But the principle of embarking in the contests of other countries had prevailed, and been acted upon, in the brightest periods of our history. It was unnecessary to remind the House of the active part which was taken in the reign of Queen Elizabeth, by English subjects, in the contest then carried on in the Low Countries. It was equally unnecessary to remind the House of the enlistment of a large body of men, in the reign of James 1st, to serve upon the Continent; and of the still larger body which went out in the reign of Charles 1st; and in both cases the levies were by the express permission of the Government of this country—to serve in the army of Gustavus Adolphus. In short, in several of the wars which had taken place in Europe, British subjects had, to a greater or less extent, served on that side which was most congenial to their feelings. But it had been said, that where there was a law to prevent it, it was the duty of the Government to enforce that law, and to punish the offenders against its provisions. He presumed no one would deny that the two Acts of the reign of George 2nd, were in force at the period when the French Revolution broke out. At that period, there was an Irish brigade serving under the king of France. What was the conduct of that brigade, and what was the conduct of the British Government? When the republic was declared in France, that brigade quitted the service of the French king, and came over to this country; when, instead of inflicting upon these men the severe penalties authorized by law, his Majesty's Government formed out of them the regiments of Fitzjames, Conway, and O'Connell: by the strict letter of the law, be it remembered, they were liable to the punishment of death. But then it was said, that the Foreign Enlistment Act altered the case; and that, at all events, we had the power of issuing a proclamation to prevent individual subjects of his Majesty from entering into foreign service, or of recalling them if they had gone abroad; and the right hon. Baronet read a Proclamation which was issued in 1825, when Mr. Canning was in office, for the purpose of calling back subjects of his Majesty, engaged in foreign service. But did not the right hon. Baronet know, that it was perfectly futile and ineffectual, and that many British subjects continued to serve in the Greek army, after the issuing of that Proclamation. In point of fact, it was a mere dead letter, though there were not many persons engaged in that contest. He would also remind the right hon. Baronet of the previous proclamation of 1817, prohibiting any British subjects from serving in the Spanish American colonies. What was the effect of that proclamation? That was an important question, as connected with the enforcement of the law, because it was conceived, that the issuing of such a proclamation in the present case might have prevented an invasion of Portugal, by the fleet that had been so often referred to. The effect of the former proclamation might be known by what was said by Lord Castlereagh. When the Foreign Enlistment Act was proposed to that House, the noble Lord stated, as the ground on which he introduced it, the total inefficacy of the Proclamation issued in 1817. He said, 'Not only individuals, whom perhaps it 'would not have been impossible to 'restrain—not only officers in small num'bers went out to join the insurgent corps '—but there was a regular organization 'of troops—regiments regularly formed, 'left this country; and ships of war were 'prepared in our out-ports, and transports 'were chartered to carry out troops and 'ammunition.'* Lord Bathurst made a similar statement, and added, that it had been intimated to all officers on half-pay, that they were not to embark on foreign service, but that they had persisted in doing so. So the proclamation to our subjects in general, and to our officers on half-pay had been equally and entirely ineffectual. He therefore said, that it would have been nugatory and useless for his Majesty's Government to have issued similar Proclamations on this occasion, for they would have produced no beneficial effects whatever. The greatest difficulty, in fact, was experienced in enforcing the provisions of the Foreign Enlistment Act, because it required proof which it was almost impossible to obtain, except from the parties themselves against whom the Act would operate. He submitted to the House, confident of its decision, that the Ministers had not done anything or omitted to do anything inconsistent with the character of neutrality which they had assumed. They had rigidly adhered to the line of policy which they had professed their intention to maintain, and nothing was stated in the Speech from the Throne, which the right hon. Baronet alluded to, which had not been faithfully acted upon by the Government. There seemed to be a disposition to look at only one side of the question in this case. The House should bear in mind that Don Miguel's army was commanded by Sir John Campbell, and that he received all his military stores from this country. It was true that he had not applied to England for soldiers or sailors, because he had all the resources of Portugal at his command, and because he was well aware that an appeal to this country was not likely to procure him any reinforcements. The right hon. Baronet said, that Don Miguel was the choice of the Portuguese. Had the right hon. Baronet then forgotten the number of his subjects who were immured in dungeons, or had been transported to Africa. His whole conduct had proved, that he did not regard himself as the object of the people's choice, for he had continually used force to keep himself on the throne, and had not hesitated to imprison or murder every man whom he suspected. The principle of the present Government was non-interference in the affairs of other countries, and all that they required was, that other nations should themselves pursue the same system of abstinence. Much had been said deprecating the adoption of a course which was likely to bring about a collision between the two branches of the Legislature. He admitted that it would be a great misfortune if such an event should occur; but, at the same time, he must say, that the affair had not originated in that House. It could not fail to be known to the promoters of the decision which had taken place elsewhere, that it was in opposition to the general feeling, not only of the House of Commons but of the country. Whatever inconvenience, therefore, might arise from a marked and pronounced separation in opinion between the quarter in which the decision in question took place and the rest of the country, it would not be attributable to the House of Commons, who would only perform their duty by expressing their sentiments upon this important question; but to those who, he must say, without cause or reason, or, as he thought, any obvious utility to be derived from it to themselves, thought fit to exhibit a marked difference of opinion between themselves and the other branch of the Legislature.

Colonel *Evans* said, that it was in the power of any individual to bring the Foreign Enlistment Act into operation if he could make out a case for that purpose. It was not the duty of Ministers more than of other men to carry it into effect. A few months back Don Miguel's agents tried to do so and failed. Therefore there was positive proof that the law was ineffectual, as stated by Ministers, and in that respect the Government stood completely exculpated. The hon. and learned member for Dublin suggested the propriety of sending troops to Portugal to settle the question at once, which excited the indignation of the right hon. Baronet, the member for Tamworth, who denounced the idea as monstrous, and unfit to be listened to in that assembly. He begged to ask the right hon. Baronet what was the difference between the case of Portugal and that of Greece, in which we interfered by force of arms? Was there any principle which prevented us from interfering with respect to Portugal, which would not also have bound us not to interfere in the case of Belgium? It might be said, that our interference with regard to Greece was founded upon the principles of expediency and humanity. Would not those principles justify our interference in the case of Portugal? The right hon. member for Tamworth argued that the submission of the people to the domination of Miguel was paramount to all other considerations, and perfectly conclusive as to his right to reign; but the right hon. Baronet seemed to forget, that the Government of which he was a member in 1815 would not acknowledge the validity of that argument when the French people declared in favour of Napoleon, or, at least, willingly acquiesced in his government. The ground upon which the Ministers of that day refused to recognize and treat with Napoleon was, that no reliance was to be placed upon the fidelity of his engagements, and that he had forfeited all claim to the confidence of the European powers. If that argument were now to be insisted upon, the right hon. Baronet must acknowledge that Don Miguel had forfeited all claim to be recognized as the sovereign of Portugal. Though he could not pretend to argue the question with the same powers which the right hon. Baronet possessed, yet he must say, that the opposition of the right hon. Baronet to the present Motion appeared to rest upon false grounds; but could he prove that the people of Portugal were enlisted in Don Miguel's cause? If in 1688 the Government of this country had succeeded in getting into its power all the officers and non-commissioned officers of the army, and all persons of note who were opposed to it, would the revolution have been accomplished at all? He feared not, and then could it have been fairly said, that the feelings of the people were completely expressed by their submission to James's Government. He would trouble the House with a short quotation from a pamphlet written by Lord Porchester, now the Earl of Carnarvon, who happened to be in Portugal at the time Don Miguel accomplished his usurpation. The pamphlet was an able one, and as it was written by an eye-witness who was not strongly imbued with radical or republican notions, it might be received with favour by the right hon. Baronet. The passage was as follows:—'The French 'revolution was, indeed, far more sanguinary than the Portuguese; but in proportion to the extent of population over which 'its effects were distributed, it perhaps 'did not inflict a greater amount of human 'misery. The journals announced the 'principal changes by which Don Miguel 'became possessed of absolute dominion, 'but eye-witnesses alone could justly 'appreciate the heart-rending scenes that 'accompanied the progress of a revolution 'which overwhelmed half the families of 'Portugal, and shook the fabric of society. 'No less than 20,000 persons are supposed 'to have emigrated from that little kingdom, or to be still concealed within its 'precincts; more than 15,000 confiscations are known to have taken place, and '10,000 individuals are believed to be 'still immured in its dungeons—dungeons 'damp and swarming with vermin—dungeons of whose wretchedness a British 'public can hardly form a conception. 'Far happier, indeed, were those who died 'by the hands of the executioner, for their 'torments were brief; but these unhappy 'people, torn from their homes, chained, 'crowded together, deprived of wholesome 'food, of air, of exercise, and sometimes 'even of light, are sinking prematurely to 'their graves, by more protracted sufferings. And will the British nation sanction these atrocities, principally occasioned by her own acts, while she has 'the means of redress in her power? We 'have indisputable pecuniary claims on 'Portugal, which we should not relinquish, so long as its government continues 'to outrage every feeling of justice and 'humanity. There are no less than sixteen grandees in emigration, three of 'whom are related to the royal family.

---

* Hansard, xl. p. 369.

'I believe no doubt exists as to the number 'of confiscations: the number of persons 'who have emigrated, or are still confined 'in prison, cannot possibly be ascertained 'with certainty. Letters from Lisbon say 'that 20,000 royal orders of confiscation 'have been issued, but I cannot be guilty 'of exaggeration in computing them at '16,000.' Now, when they were told of the complete submission of the Portuguese, was there not, he asked, good reason for it? They possessed no leaders, civil or military; they had either shed their blood on the scaffold or been transported to Africa, or were immured in dungeons. It had been asked whether any noble families had joined Don Pedro? He knew that a considerable number of heads of such families was at present in Oporto. It was also said, that the people of Portugal had made no demonstrations against Don Miguel, but that was incorrect, for there had been a rising at Figueiras. Much stress had been laid upon the fact that Don Pedro had remained so long at Oporto; but this told both ways, and for his own part he considered it a strong proof of Miguel's weakness and want of national support, that his opponent had been able to maintain himself with a small foreign force for eleven months in the second town in the kingdom. He ventured to assert, that Don Miguel's great force, which he was sorry to hear boasted of in that House, was rapidly dwindling away. If he were disposed to blame Government at all for their policy upon this question it was for not having assumed a more decided line of conduct, and entered into diplomatic relations with the lawful sovereign of Portugal. The right hon. Baronet, the member for Launceston, had adverted to the old friendship subsisting between him and Sir J. Campbell, and he wished that the right hon. Baronet had been influenced by similar feelings towards Captain Napier, whom he doubtless knew, and if so must respect. He thought it quite irrelevant to allude to what Captain Napier had said in clubs or elsewhere, and trusted that the Government would not be induced to inflict a severe penalty upon that gallant Officer. In the course of the discussion but little had been said of the injury which our merchants were suffering from the existing state of our relations with Portugal; this was a most important part of the subject, which he hoped would attract the attention of Government.

The House divided—Ayes 361; Noes 98: Majority 263.

Motion agreed to; and an Address ordered to be presented to his Majesty.

List of the NOES.

Apsley, Lord
Arbuthnot, Gen. H.
Archdale, Gen.
Ashley, Lord
Attwood, M.
Baring, A.
Baring, H. B.
Baring, F. T.
Bateson, Sir R.
Bernard, Hon. W. S.
Bethell, R.
Bolling, W.
Bruce, Lord E.
Cartwright, W. R.
Clive, Viscount
Clive, Hon. R. H.
Cooper, E. S.
Corry, Hon. H. L.
Chapman, A.
Daly, J.
Dare, R. W. H.
Darlington, Earl of
Duffield, T.
Dugdale, W. S.
Duncombe, Hon. W.
Eastnor, Viscount
Fancourt, Major
Ferguson, Captain G.
Finch, G.
Freemantle, Sir T.
Gillon, W. D.
Gladstone, T.
Gladstone, W. E.
Gordon, Hon. W.
Goulburn, Rt. Hon. H.
Grimston, Viscount
Halcomb, J.
Halford, H.
Hardinge, Sir H.
Hanmer, Sir J.
Hanmer, Colonel H.
Hayes, Sir E.
Hay, Sir J.
Herries, J. C.
Hill, Sir R.
Hope, Hon. Sir A.
Hodson, J.
Hotham, Lord
Jermyn, Earl
Jones, T.
Inglis, Sir R. H.
Irton, S.
Knatchbull, Sir E.
Langton, Colonel G.
Lefroy, A.
Lefroy, T.
Lewis, Rt. Hon. T. F.
Lincoln, Earl of
Lowther, Viscount
Lowther, Hon. H. C.
Lygon, Hon. Col. H. B.
Manners, Lord R.
Maxwell, H.
Meynell, Captain
Miller, W. H.
Neale, Admiral Sir H.
Neeld, J.
Nicholl, J.
Ossulston, Lord
Peel, Rt. Hon. Sir R.
Perceval, Col.
Pollock, F.
Powell, W. E.
Price, R.
Pigot, R.
Reid, Sir J. R.
Robinson, G. R.
Russell, C.
Scarlett, Sir J.
Shaw, F.
Stanley, E.
Smith, T. A.
Stewart, J.
Stormont, Viscount
Somerset, Lord G.
Trevor, Hon. G. R.
Tyrell, Sir J. T.
Verney, Sir H.
Villiers, Viscount
Vyvyan, Sir R.
Wall, C. B.
Walsh, Sir J. B.
Williams, R.
Wood, Colonel T.
Wynn, Rt. Hon. C. W.
Yorke, Captain C. P.
Young, J.

TELLERS.

Jervis, J.
Ross, C.

PAIRED OFF.

Ashley, Hon. H.
Conolly, Col. E. M.
Dick, Q.
Forester, Hon. G. C.
Grant, Hon. Colonel
Patten, J. W.
Peel, Colonel J.
Penruddocke, J. H.
Stuart, W.
Tullamore, Lord

CHANNEL FISHERIES.] Mr. *Halcomb* moved for a Select Committee to inquire into the present state of the British fisheries, and the laws affecting the fishing trade of England, with a view to their amendment. He said, his first object was to relieve that numerous and important class of persons who were engaged in the fisheries. They were at present suffering great distress in consequence of various injurious restrictions and regulations to which they were subjected, and to which the Legislature had not lately turned its attention. For example, the Custom House officers would allow them to fish only four leagues from the coast while the best fish were to be caught further out. This subject had been discussed about twelve years ago, and a Bill had then passed that House for the relief of the fishermen, but it was thrown out in the House of Lords. What he wanted now was inquiry, with a view of ascertaining what measures could be devised to protect the fisheries, and thereby extend employment and the trade of the country.

Mr. *Bernal* wished to know whether the hon. member for Dover meant to confine the investigation to the cod and turbot fisheries, or whether he intended to include an inquiry into the oyster trade and river fisheries?

Mr. *Halcomb* said, his Motion should have no reference to the internal fisheries of the country.

Mr. *Bernal* put it to the discretion of the hon. member for Dover, whether any benefit could result from such an inquiry commenced at so late a period of the Session. There were great interests and most important questions involved in this inquiry. The Committee would have to consider, not only some questions of international law, but the conflicting interests of the English fishermen and those of Guernsey and Jersey.

The House divided—Ayes 53; Noes 24: Majority 29.

A Committee was appointed.

HOUSE OF LORDS,

Friday, June 7, 1833.

MINUTES.] Bills. Read a third time:—Starch; Police Offices (London).

Petitions presented. By the Duke of GRAFTON, from Lincolnshire, against the Malt Duty.—By the Earl of SHAFTESBURY, from several Places; and by the Earl of RADNOR, from Folkstone, against the 19th Clause in the Local Jurisdiction Bill.—By a NOBLE LORD, from Moreton Pinkney, for the Amendment of the Sale of Beer Act.—By the Duke of RUTLAND, Lord SUFFIELD, and Lord DINORBEN, from several Places,—against Slavery. —By the Bishop of LLANDAFF, from the Clergy of his Diocese, against the Irish Church Reform Bill.

ABOLITION OF SLAVERY.] Lord *Wynford* presented a Petition from an individual possessing considerable property in the West Indies, stating that he had invested a capital of 28,000*l.* in slaves and estates, which he had purchased from the Crown. He demanded that his property, or an equivalent, should be restored to him when the measure for the emancipation of the slaves should be passed. The prayer of the petition appeared to him to be only equitable and right.

Lord *Suffield* presented thirteen petitions from various places, against negro slavery. His Lordship observed, that in the remarks he made the other night upon this subject, he had forgotten to allude to one authority, than which a better could not be adduced, to prove that man could not be made a slave. It was the authority of Chief Justice Best. In a judgment which that learned individual had given some time since, amongst other excellent sentiments which he uttered, were the following: "That human beings could not be the subject matter of property," and that any law sanctioning slavery, was "an anti-Christian law, and one which violated the rights of nature."

Lord *Wynford* said, the judgment alluded to had been delivered by him some twelve or thirteen years ago; and in it there was not a single opinion expressed which he was not prepared now most fully to maintain. It was only in England that he recognized that principle; in any other country—especially in the West-Indies—he was not so ignorant not to know that it would not obtain. All he declared in that judgment was—that a slave became a free man the moment he trod the deck of a British-man-of-war. No one was more friendly to emancipation than he was; but he would not consent to it at the expense of a mass of individuals who, whether right or wrong, had, under the sanction of English laws, laid out their capital in the West-Indies. All that ever he had asserted in the judgment alluded to, or in anything else was, that no action could be maintained in this country, which would attempt to recognize such a property as man; but he knew too well it was very different in other countries; at all events in the West-Indies.

The *Lord Chancellor*:—That certainly is the law, and the sooner it is altered the better.

HOUSE OF COMMONS,

Friday, June 7, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. HUME, the Number of Persons Executed for Forgery on the Bank of England, in each year from 1791 to 1829, inclusive: also an Account of the per Centage and Emoluments received by each of the Commissioners of Land and Assessed Taxes; and by each of the Collectors of Taxes in London and Middlesex, for the last year of which the Returns can be prepared: also of the Number of Surcharges for the House and Window Tax in London and Middlesex, in the year ending 5th April, 1833.

Bill. Read a third time:—Quakers' Affirmation.

Petitions presented. By Colonel EVANS, from several Places, against the House and Window Duties.—By Sir MICHAEL SHAW STEWART, from Greenock, against Slavery.—By Mr. WELBY, from Stamford, and other Places, against any Alteration of the Act granting Exemptions in respect to County Rates.

FACTORIES' REGULATION BILL.] Mr. *James* presented the Petition of 800 persons of the Working Classes, inhabitants of the city of Carlisle, praying for the Abolition of Infant Slavery in Factories, and that the subject of the hours of employment of children in those places may be taken under the immediate consideration of the Legislature. They declared themselves satisfied of the necessity of legislative interference—and suggested, that infants, under a certain age, should not be employed at all; and that in all cases the hours of labour in factories should be limited to ten hours per day.

Mr. *Philip Howard* was aware of the interest which the Factory Bill had created not only at Carlisle, but he might almost say generally throughout England. At the same time that he felt all the difficulty of legislative interference, he took that occasion to observe that many of the manufacturers were anxious to do away with the melancholy system of night work in factories. It was likewise, he had good grounds for believing, the opinion of many, that the labour of children might without detriment to the trade, be restricted to eleven hours, but to the Ten Hours Bill, and to its minute and vexatious regulations nearly every branch of trade appeared to be decidedly opposed.

Petition to lie on the Table.

COLLECTION OF TITHES (IRELAND).] Mr. *O'Connell* moved for a return of the number of writs issued or sealed by the Court of King's Bench, the Court of Common Pleas, and the law side of the Exchequer in Ireland, from the last day of April to the 10th of June, 1832, distinguishing in how many of those cases clergymen were plaintiffs; also a similar return for the same period in the year 1833. Having last night promised an hon. and learned Gentleman (Mr. Lefroy), that he would furnish instances of oppression in the collection of tithes in Ireland, he was now enabled to name the reverend Dr. Sullivan, rector of Kilronan, who, it could be proved, had issued a number of writs; and on the tithes being tendered, the money was refused, and the parties were referred to the attorney. The object of his Motion was to show the extent to which such writs had been issued.

Mr. *Lefroy* did not rise to oppose the Motion, but to call the attention of the House to the contrast between the general charge brought yesterday by the learned Gentleman against a large body of the clergy of Ireland, and the proof offered to-day in support of it, which had dwindled to a single instance. The learned Member had not told the House how much tithe these persons owed besides the half year due at May; and if they were to be sued, the whole demand would necessarily be included; if not, we should hear of another sort of oppression, by the multiplication of suits. But what was the oppression, if a clergyman or any other man was obliged to sue for his rights, to refer the party sued to his attorney? He saw no oppression in all this—but if there was, what body of men could be found in which a single instance of oppression might not occur? Would the clergy of England bear to be tried by such a test? As to the precise object of the hon. and learned Gentleman's Motion, he was at a loss to understand it, unless it were to be maintained that a clergyman was not entitled to sue for his right in Ireland like any other man. Did the learned Gentleman mean to say, that tithes were not property—or that the Irish clergy were to be treated as outlaws, and not entitled to sue for their property? Unless this was the doctrine to be maintained, he (Mr. Lefroy) could not see the object in distinguishing between writs issued on behalf of clergymen, and others.

Mr. *O'Connell* said, the hon. and learned member for the University appeared quite to misunderstand him. He had mentioned one name because that name had been transmitted to him, and the facts connected with the case were ready to be substantiated. He had received accounts of many other cases of a similar description, in which the names of the parishes, though not of the clergymen, were given. The hon. and learned Member was also in error in supposing him to say, that the clergy should not enforce their rights as other persons did. What was complained of was, that that clergy did not do as others did—namely, demand their tithe-debts before they proceeded at law to recover them. In all the cases to which he had referred there had been no prior demand and the greater part of the writs were issued for tithes due on the 1st of May, to the amount of several hundreds. If such a line of conduct was pursued by a Commander-in-chief, or a Judge, he should stigmatise it as no less unjust and oppressive than when it was pursued by a clergyman.

Mr. *Henry Grattan* declared, that if the hon. member for the University of Dublin was not satisfied with the statement that had been made by the hon. and learned member for the city of Dublin, he would pledge himself to produce plenty of evidence of a similar nature. They were cases of every day occurrence. There was the case of a Mr. Armstrong, who selected from a number of cattle that might have been taken, those that were the least capable of being driven, and instead of placing them in a pound in the neighbourhood, had them sent to a distance of nearly five miles. The question was now become a most serious one. On a recent occasion the 29th regiment was called out, and a body of police, to disperse a large number of persons that were assembled, when the soldiers refused to fire, but the police did so, and one man was killed. The state of the country was such that Irish Members could not be silent any longer, and he entreated the noble Lord (Althorp) to bring forward his Motion with respect to Irish tithes without delay. Even if the hon. member for Staffordshire (Mr. Littleton), should not be able to take his seat next week, he hoped no further delay would take place in bringing forward this question, as the peace of Ireland depended upon its speedy and satisfactory settlement.

Mr. *O'Connell* bore testimony to the general humanity and good conduct of the military when brought into collision with the people, as distinguished from the conduct of the police. On the occasion already alluded to by the hon. member for Meath (Mr. Grattan) the Commander of the troops directed them not to fire at the people who were near them.

Mr. *Finn* was sure, that if the people of Scotland and England were ordered to pay tithes like the Irish, they would not submit to it for one hour. In point of fact the tithe system in Ireland must be extinguished. In the county of Carlow, just now, a clergyman (Mr. Whitby) issued processes for the payment of his tithes, drove off the cattle worth 8*l.* a-head, and sold them for 4*l.* each. It would be well for the gentlemen of England and Scotland to understand and be aware that the people of Ireland would not continue to pay that impost for ever—which would not be borne for a day, either in England or Scotland.

Mr. *Shaw* was sorry to be obliged to prolong a discussion so very irregularly introduced as the present had been, by the hon. member for Dublin, making a motion without notice, and on a day that orders take precedence of motions, even if notice had been given. However, the occasion had been seized with avidity by the hon. member for Meath (Mr. Henry Grattan) and other Gentlemen, to cast odium and reproach upon the clergy of the Established Church in Ireland; and reluctant as he was to trouble the House by continuing a desultory discussion, he could not suffer the attempt to be made, and remain silent, and hear the charge of tyranny and oppression brought against the Irish clergy without repelling it. At the present moment there was not due to them less than an average of three years' income. He had already moved for a return of the arrears of tithe withheld from them—it was not yet made to the House, but he could state, in three dioceses alone out of two-and-twenty in Ireland, a sum of 170,000*l.* remained due to the clergy. Here, then, was a number of educated gentlemen, amounting to nearly 2,000 — few of them with any private property worth mentioning—themselves and their families to subsist for three years without their just and lawful incomes —exposed to the utmost privations—foregoing every possible expense—forced to drop the insurance on their lives—to remove their children from school—to part with their plate, their books, and every article convertible into money, to give food to their families—exhibiting a forbearance beyond all precedent—a mildness and submission, joined with an independence of spirit which, he ventured to affirm, no other body in the State would have evinced under the same circumstances; and just now, forsooth, because they sought at the end of three years some portion of their just and long withheld rights by legal means, they were to be held up to the House and to the country, as being oppressive and unjust. He should be glad to know would any of those hon. Members who so maligned them, show one-tenth part of their forbearance, had they to live three years deprived of the ordinary means of their support? The hon. member for Meath cheered; but certainly he must himself be as much maligned out of the House as he maligned the clergy in it, if he was in the habit of acting towards his tenants with the same consideration that the clergy had acted towards their parishioners. He verily believed, the fault of the clergy to be, that they had forborne too long, and by an acquiescence in a course of injustice and wrong adopted towards them, rather than produce collision and ill-will in their respective parishes, they had caused themselves to be neglected and abandoned by the Government, and abused and spoken of in all manner of evil by those who were courting the popularity of the mob.

Mr. *Finn* rose to order. The hon. Gentleman had no right to impute motives.

Mr. *Shaw* admitted he should not impute motives, and therefore he would only say hypothetically, that if such were the hon. Member's motives, he could not take a better means of indulging them, and though he could not say the object of the hon. Member was to cause disturbance and the violation of the law in Ireland, by the language he used in that House, he must be allowed to give his opinion, that it had that tendency. If tithes were to be commuted, that was another question, to which he was willing to give attention when it came before the House. If hon. Gentlemen objected to the principle of tithes, let them attack that principle openly and manfully; but it was an unmanly and an unworthy course to accuse of tyranny and oppression, men who for three years had been suffering unheard-of privations, because they sought a small portion of their legal dues, which were not even alleged to be other than lawful. He would not harrow the feelings of the House by mentioning the many instances of suffering of which he was aware. He acknowledged with gratitude the kindness and liberality of the English people in endeavouring to alleviate the distress of the Irish clergy, but the sum collected was necessarily but as a drop in the ocean compared to the sum absolutely owing to them, and withheld. He knew several clergymen who refused the relief sent, and pointed out others whose distress was still greater than their own, as men requiring it; others could not be induced to receive it, although living on the very lowest means of subsistence—[" *name*, *name*,"]—No! from motives of prudence and delicacy to individuals, he would not name them, and he did not fear that the House would think him capable of inventing a statement in order to excite their feelings. As to the tithe affray in the county of Cork, alluded to, what did it prove but that the clergy could not enjoy any portion of their rights without the aid of the civil power, and he was informed that the soldier in question had been shot by the people from behind a ditch, and not through any accident by the police. As to upbraiding Government for affording assistance to the clergy as had been done by some few Members who preceded him, he had to charge the Government with having too long delayed that assistance and protection, and thus encouraged opposition to the due enforcement of the laws—and he would ask of the Government as no favour, but demand it as of right and strict justice, that while the clergy acted within the law (and they had done much more) they should be protected by the law, and enjoy the same privileges as any other class of his Majesty's subjects.

Mr. *Fergus O'Connor* thought the hon. member for Dublin University had dealt very severely with the hon. member for Meath. As to the assertion of the hon. Member of the great arrears due to the Irish clergy, he would state that in some dioceses they had actually been offered 15*s*. in the pound, which they refused to receive, alleging that if they did, they should be compromising their successors. The hon. Member seemed to doubt whether the person who had been shot in the southern part of Ireland had been shot by the police or the people. Now, he would take upon himself to state, that he was shot by the police, and that, had it not been for the forbearance of the Magistrates, there would most assuredly have been a repetition of the scenes of carnage and blood which had hitherto taken place in that part of the country. Every drop of blood sacrificed in the collection of tithes, the late right hon. Secretary and his Majesty's Ministers were answerable for.

Mr. *Henry Grattan*, after the statements which had been made against him by the hon. member for Dublin University, could not refrain from again addressing the House. There never was a more base and unfounded calumny than the statement, that the severity with which he treated his tenants had reduced them to such a state of distress and misery, as to render it impossible for them to pay their tithes. He did not covet being called a good landlord, but he was sure no one could call him a bad one.

Mr. *Shaw* said, that he had it from a clergyman in the county of Meath, that the reason why the tenants were unable to pay their tithes was, the severity with which they were treated by their landlords, and the high rents they were called upon to pay.

Mr. *Henry Grattan* said, that there was not a single tenant of his in the county of Meath, who paid more for his land than from 2*s*. 6*d*. to 5*s*. an acre.

Mr. *Baring* deprecated going into a discussion on a matter not then before the House. They were, however, every day hearing from Ireland complaints of the conduct of the police, and statements about people being shot in this place and in that, and tithes set down as the sole cause of these lamentable occurrences. All the while the noble Lord was sitting most composedly on his seat, with a Motion on the Notice-book respecting Irish tithes; the House being completely in the dark as to what might be the intentions of his Majesty's Government on the subject; there being at the same time a notice also on the subject of tithes, but relating to England. Now, with great deference to the noble Lord, he would say, that the introduction of a measure upon the subject of English tithes was this year not pressing, and might without disadvantage be postponed to a future Session. It would keep till another year; but the noble Lord had permitted a notice upon the subject to remain on the book, and he, therefore, felt desirous of asking him whether or not it was his intention to bring it forward in the course of the present Session of Parliament? As to the communications which he was daily and almost hourly receiving from the country upon that subject, there was no end to them; and he, therefore, put it to the noble Lord to say, openly, and at once, whether or not it was his intention to bring the measure forward this Session, or to postpone it till the next?

Lord *Althorp* said, that as usual, the hon. Member who had just sat down took the opportunity of making a severe attack on his Majesty's Government. In answer to the hon. Member's question, he would say, that it was his intention to persevere in the present Session with the English Tithe Commutation Bill, and also to bring on the question respecting the Irish tithes. He had a notice of motion on that subject for Wednesday last, but as there was no House it fell to the ground. It was, however, his intention to bring it on on Monday next, and on that day he would move, in a Committee of the whole House, certain Resolutions as to the tithes of 1831, 1832, and the present year. The hon. Member (Mr. Baring) complained of the arrangement of public business in that House by Ministers; but if the hon. Member would consider what had been done in the House, and the state of the order-book, he would see that it was impossible for Ministers to get on with the public business faster than they had done. When the long discussions into which the House had been so constantly led, on matters which tended to no practical result, were taken into consideration, and when it was also considered, that Ministers had only two days to bring on the public business, so as to have the precedents of the other business on the paper, it would be seen that the fault of not going on faster with the business was not theirs. He would repeat, that it was his intention to persevere with the English Tithe Commutation Bill, to move the resolutions respecting the Irish tithes on Monday; and after the discussion on the subject of colonial slavery should have been gone through, to go on with the Church Temporalities (Ireland) Bill.

Mr. *Goulburn* was very desirous that the tithe question should be dealt with in a becoming manner. Now, the noble Lord complained of the delay which arose from the interminable discussions which were carried on upon every question. In that he quite agreed with the noble Lord; but he must tell him that the great cause originated in the fact that the measures of his Majesty's Government were introduced to the House before they had been properly discussed, and, therefore, it became necessary in the Committees to suggest alterations without end; whereas, if further time were taken for consideration, these discussions would be prevented. It was with these facts staring him in the face that he had entertained the hope that the noble Lord would have determined to perfect his measure, rather than enforce a discussion upon every line and every clause of it. He still hoped that the noble Lord would be induced to give way to the opinion which had been so strongly expressed, because, for his own part, he could not regard this matter in any way as a party question. He was only anxious that a question of such vast importance should not be hastily dealt with.

Sir *Edward Knatchbull* said, that he hoped the Gentlemen on that (the Opposition) side of the House might be allowed to take the liberty of making such observations as they deemed expedient, without having any unfavourable impression thrown upon their motives. The noble Lord, entertaining, as no doubt he did, the best intentions towards the Church Establishment, could not fail to know that this was a question which had excited throughout the country the most intense anxiety, and he hoped that, under the auspices of the noble Lord, it would be brought to a satisfactory issue. He begged to assure that noble Lord, that, acting always upon the same principles which he had uniformly kept in view, he would not, for his own part, enter into the discussion of this question with any feeling of party spirit. He begged to assure the noble Lord, with that sincerity for which he trusted the noble Lord gave him credit, that he would materially forward the object which the noble Lord had in view, by following the suggestions which had been thrown out by the hon. member for Cambridge University; and he thought the adjournment of the introduction of any measure on this subject, with a view to afford more time for deliberation on so vast a subject, would tend much to increase the value of any future measure.

Lord *Althorp* said, he had hoped that his conduct in that House had not been such as to have evinced a disposition to transgress on the courtesy of the House; but the tone which had been assumed by some hon. Gentlemen was such that he felt he could not remain quiet. The hon. Baronet seemed to wish him to delay the measure to which he had referred; but he found it impossible to do so; and it certainly was his intention, and he should feel it his duty, to press the measures with reference to the Church this Session.

Sir *Robert Peel* thought, that it would facilitate the other business of the Session if the noble Lord would postpone the English Tithe Commutation Bill to the next Session, or refer its details to a Committee above-stairs. In the present state of the business it could not be expected, that they could get into the Committee on the Bill in less than a month from this time. They would then be in the dog-days, and he need not remind the House of the great difficulty of getting a full attendance at that time of the year; and, certainly, the dry discussion on the details of the measure would be no great inducement to Members to attend. He would, therefore, urge the propriety of sending the details of the Bill to a Committee up stairs. The present state of business on the paper was almost a disgrace to the House. It was utterly impossible that it could be gone through in the present Session. He was aware that the noble Lord had no control over the business brought forward by others, but he had over the business of Government; and he hoped, therefore, that he would not allow any new business to be brought in until at least there was some prospect of disposing of what they had already before them. He should wish that the noble Lord would take two or three days to consider the actual state of the public business, and then decide on what should be submitted to the consideration of the House; for what with the attendance at the early sittings of the House, the attendance in Committees up stairs, and the late sittings in the House at night, and allowing some short time for attention to domestic affairs, it was impossible that Members could get through the business which now stood on the book; and yet, in the midst of this pressure, he was not a little surprised to hear the Solicitor General give notice of a Bill for the abolition of imprisonment for debt. There should, he repeated, be some understanding with Government as to the business which was to be pressed on the attention of the House.

Colonel *Davies* thought, that Government were not to blame for the multiplicity of the notices on the book, but he thought they were to blame in not enforcing more strictly the regulations which the House had agreed upon for the despatch of business. The House sat at twelve o'clock each day for the purpose of receiving petitions, in order that they might be ready to proceed with the regular business of the day at five; and yet, after that hour, many petitions were presented, and discussions were allowed to arise out of them. This ought to be prevented. If some arrangement to that effect were not made, he would move for the appointment of a Committee to consider the best mode of conducting the public business of that House.

Dr. *Lushington* thought, that the English Tithe Commutation Bill was a measure of the utmost importance. He would admit, that the adoption of its principle required mature consideration, but when that principle were once agreed upon, he did not think that the details would take up as much time as the right hon. Baronet seemed to apprehend. He could assert, that he had never seen any important measure introduced in a more perfect state than that was. He earnestly hoped that Government would persevere in it, for, from his own knowledge, he could state, that there was a rising disposition in the people of England to resist the payment of tithes. It was to counteract that feeling that he would urge the passing of this Bill; for if they allowed this feeling to grow as it had taken root in the hearts of the Irish, they would permit an evil which it would be found impossible to counteract.

Mr. *Rigby Wason* thought, that the great evil with respect to the business of the House was that of not allowing notices to take precedence of motions on all days. Whole nights were taken up in the discussion of Motions which, though they led to no practical result as related to the objects of the Motions themselves, deferred the more important business of the Session. He would suggest, as a remedy, that Motions should take precedence every day of notices of Motions. In that way only could they get through the public business.

Mr. *Stanley* quite agreed in the sound doctrine of the hon. Member who spoke last as to the despatch of the public business. It was not his intention to enter into the various subjects which had been introduced in the course of this conversation. There was one question which stood for consideration that evening—a question of paramount importance to the country—with which he hoped the House would at once be allowed to proceed—he spoke of the abolition of colonial slavery. Every moment which Ministers had at command during the present week they had devoted to the consideration of the Resolutions which had been laid on the Table of that House. The House ought to bear in mind that but one of those Resolutions had been agreed to; and it must be evident to all, that the state of the country rendered it imperative for the Legislature to go on. He trusted, therefore, that the House would now permit this conversation to close, considering the immense importance of the business which was about to be discussed, and that they would at once proceed to the Order of the Day.

Sir *Matthew White Ridley* said, the hon. member for Ipswich (Mr. Wason) had given the House good advice, and he hoped that it would be attended to. He condemned the practice, on going into a Committee of Supply, of introducing grave and important questions which ought not to be brought forward without due notice. It was unquestionably the right of any hon. Member to proceed in that way; but it was a right that ought not to be exercised without the greatest caution and discretion. He knew not how the House was to get through the multiplication of business that was brought (and in some instances he would say most unnecessarily) before it. At Easter there were no less than 112 notices of motion on the Order-book; and at Whitsuntide there were ninety-nine notices of Motion, independent of the various Orders of the Day. Some of these notices were fixed for the 16th, and some for a period so late as the 18th of July.

Motion agreed to.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.] The House resolved itself into a Committee upon the Resolutions on Colonial Slavery.

The Chairman read the second Resolution as follows:—" That it be expedient that all children born after the passing of any Act, or who shall be under the age of six years at the time of passing any Act of Parliament for this purpose, be declared free—subject, nevertheless, to such temporary restrictions as may be deemed necessary for their support and maintenance."

Mr. *Hume* said, that he had to intrude himself upon the attention of the House for a very short time. He had listened with very great attention to all the discussions upon this question, with a view to see whether the plan submitted to their consideration was one likely to be productive of practical benefit, before he offered any opinion upon this subject. The Committee had already agreed to one Resolution, in which he fully concurred, and which marked an important progress beyond the Resolutions of 1823. Then the question went to that of the preparation of the negroes for a state of freedom; whereas in the present instance the House had permitted itself to enter upon a measure for the immediate abolition of slavery. He had never agreed in the opinion that the moment they could see their way to secure the liberty of the negroes they were to do so in violation of the rights of the West-India planters. He considered it to be the duty of the country to look fairly at the facts of the case. The state of slavery of the blacks was a system which was acquiesced in and had long been sanctioned by the country, and therefore he thought the nation should know precisely what they were now called upon to do; they ought not to rush headlong into an abyss. In the present state of the country, when he found vast classes of the community struggling against the most appalling difficulties, he could not agree to drawing away many millions of money from the country, checking industry, and perhaps paralysing trade, unless he knew that by so doing, the object which was sought for would be effected. They had no evidence to prove what could be done by free labour in the colonies; nor had they any evidence to show that the slaves could be brought so to labour as to secure to themselves by that labour the means of existence. They had no evidence how the colonies in which the slaves were now placed, would be kept up. The West Indies were to be regarded as a vast emporium of a peculiar manufacture, and they were bound to consider the circumstances under which British capital had been there embarked, and what were the interests involved in this vast question. He put to himself this question, "When I vote for the outlay of twenty or thirty millions, or whatever the amount may be, shall I be destroying those institutions and rights which now exist? Shall I add to the misery or the happiness of the black and the white population?" Had they any proof that while they granted immediate abolition of slavery the colonies could be preserved? He would say, that the effect of what had been already done, had been to withhold from these colonies, one-fourth of the capital which had been hitherto employed there; and he was of opinion, that if the masters were in distress, it followed as a matter of course, that the slaves could not be in a state of comfort. Again, the effect of one-fourth of the capital being withheld must be, that one-fourth of the crop must be wanting next season, because he considered that in proportion as the capital was diminished so must the produce. Were the people of England, who were already heavily taxed, prepared to pay 1*s.* per lb., or, if the supply were sufficient, even double that amount, for sugar, instead of 6*d.*? Again, were they to extend the monopoly of the supply to the West-India planters, whatever the supply might be? But he must say, that no paltry parish question was ever treated with so much lightness as this had been. The right hon. Secretary appeared to him in the character, not of a mediator between the two parties, but the violent partisan of one party, addressing himself to the passions of the community at large. He might be mistaken; but if ever he had heard defiance hurled forth, it was in the tone which had been assumed by the right hon. Secretary in respect to the colonial legislature. This was not, however, a mere question of pounds, shillings, and pence; it was their duty not to attempt a hasty experiment, and therefore he called upon the House to pause before they proceeded to legislate in this question. For a mighty experiment, none had ever been marked by so little consideration in that or any other House of Representatives. He quite agreed in the opinion that emancipation must take place; but the House ought not to enter upon a crude measure. He admitted the philanthropy and humanity of the British people, who were naturally anxious to see liberty extended to all races. But would they so malign the English people as to suppose they would force the House to adopt an ill-digested measure? He did not believe that one single sentence in the speech of the right hon. Gentleman was founded on any tangible data. If the hon. member for Dublin (Mr. O'Connell) was now in the House, he would tell him that his speech the other night upon this question, was a mere address to the passions, and not to the common sense or cool judgment of mankind. It was a tissue of errors from the first to the last; and he handed down at the time to the hon. and learned Gentleman, some facts, to prove, that he was entirely erroneous in his statements. It was but justice, however, to say, that the hon. and learned Gentleman had the authority of a pamphlet for much of what he stated. The fact, however, was, the experiment of free labour (it was on record and in evidence) had been tried on a small scale, and had totally failed. The settlement formed, in 1821, at Trinidad, of liberated slaves, was that experiment. He at that moment held in his hand however extracts of evidence taken in 1821, upon oath before the council of Trinidad. It was a public document, and signed R. J. Wilmot Horton. It appeared that in 1821, two public officers were appointed to overlook and attend to a number of slaves, men, women, and children, amounting to 1,832. They consisted of disbanded negro soldiers from the West-India regiments, liberated American negroes, and refugees; they were all free, and received every assistance and encouragement. They were placed under the management of officers appointed by the Crown, and supplied with all necessaries for a year. The expense of this experiment up to 1825, was 34,000*l.*; each slave got sixteen acres of land free from taxes, with a supply of implements necessary for cultivation. That was an experiment for trying free labour, and a fair experiment. What was the result? Why, Mr. Robert Mitchell, one of the superintendents, said, that they were averse to labour, addicted to drinking, to thieving, promiscuous intercourse with the sexes, and in a worse and more immoral state than that of common slaves. With the greatest difficulty he could get most of them to work the land for their support; they were found lying asleep in their houses in the working hours, and often he had to punish them before he could force them to their labour. In 1824, they were in such a condition that they could not be safely left even then to themselves. They were much addicted to drinking, and fatal broils must be the result, possibly murder, if not controlled by some authority. That they would not work he believed, unless they were overlooked, and that he knew of no instance of their hiring themselves out as they had opportunities of doing. Another superintendent (Mr. Peschier) said in his evidence, that these emancipated slaves would squander away in rum whatever they could get; that he could not get them to work if left to themselves and uncontrolled by law; that they did not live, as to diet or dress, better than the very lowest class of slaves. When asked whether they might not be got to work by a system of fines, he said it would be useless, that he could find no property to levy fines upon except the growing produce, and that levying a fine upon that must have the effect of diminishing cultivation. He did not consider them fit to be left to their own management. The conclusion to be drawn from this was, that the experiment failed, and that these negroes by being set free, were not rendered sober, moral, industrious, or religious. He could not but express his surprise at the manner in which the right hon. Secretary had taken up, and without further inquiry, drew most important conclusions from assertions made by a gentleman now in this country, a native of Venezuela, as to the cultivation of sugar by free blacks. Even if all that was stated were true, it by no means followed that an experiment which was successful at Venezuela, where the number of blacks was small as compared to the whole population, would succeed in Jamaica, where the great mass of the population were negroes. But in fact, however, the statements of the right hon. Secretary were not correct. The whole of the rum made in Trinidad for example, was sent to Venezuela, though the right hon. Secretary told them that Venezuela supplied Trinidad with rum. This could not be the case. By law not a single gallon of rum could be imported into Trinidad from Venezuela or any other place. There was no proof therefore to be found in that statement, that rum was produced by the labour of the free negroes in Venezuela. Moreover it must be remembered, that the emancipation of the slaves in the Caraccas proceeded in a way quite different from that now proposed, for they took twelve years there to emancipate one hundred thousand slaves, being only one-tenth of the whole population. They did not give them freedom all at once, as was now proposed. They emancipated the best behaved, and paid to the owner the full price for them; and not the one-fourth, as proposed in the plan of Government. The right hon. Secretary told them that sugar was never cultivated in the Caraccas until the slaves were emancipated and the principle of free labour acted upon. Now in the evidence from which he had read extracts before, it was stated by Dr.

Garcia, a Judge in Trinidad, a native of the Caraccas, that sugar was always cultivated there by slaves, and not by free labour. In place of two-thirds of the sugar produced there being cultivated, as the right hon. Secretary said, by free labour, he could prove upon the best authority that the very contrary was the fact. Mr. St. Hillaire Begorrat in his evidence said, that sugar and cocoa were cultivated entirely by slaves in the Caraccas in 1781. The same fact, or rather a similar fact, was stated by Don Joze Zepero a native of the Havannah, who had known sugar and coffee to be cultivated at the Caraccas by slaves in 1809, and from that time up to 1815. It was true indeed that some of the slaves in the Caraccas were now amalgamated with the rest of the population, and many of them were good and industrious labourers. Another experiment, similar to the one he before alluded to, had been made, and what was the result? He would state it to the House. In the year 1811, many hundred slaves were given up to this country by the Dutch. They were all placed in the island of Demerara under the management of Commissioners, at the head of whom were Mr. Wilberforce and Mr. Stephen, with Mr. Zachary Macaulay for Secretary. In the first year there was a reduction of seventy-five in their number, being one-fourth per cent of the whole; and in three years, not less than 9,000*l.* were drawn from the Treasury for their support. Commissioners were sent out for the purpose of making efforts to encourage them to the cultivation of sugar. Unfortunately, however, these Commissioners made no report, and they had no means of ascertaining the result of the experiment. He proposed moving for the necessary documents, but Lord Goderich expressed some unwillingness to produce them, and his mind was drawn away from the subject by other business. He should, however, take a future opportunity of moving for the information communicated by these Commissioners. The right hon. Secretary would have done better, and enabled the House to come to a more correct judgment, by producing this information, than by sending post haste all the way to Edinburgh, and bringing up to London a gentleman, a native of South America, for the purpose of putting questions to him on the subject of sugar cultivation in Venezuela. The right hon. Secretary informed them, upon the authority of this gentleman, whom he represented as Vice-President of Venezuela, that the rum of Venezuela, the produce of free labour, was exported to Trinidad. Now, in a letter written to this gentleman, who came to this country for the purpose of making himself acquainted with British institutions, the question was put to him from what ports of Venezuela, and in what vessels, rum, the produce of that country, was sent to Trinidad? The hon. Member read the answer of this gentleman, a Senhor Alejo Forteque, which stated, that he had been requested to come to London from Edinburgh for the purpose of answering some questions relative to sugar cultivation in Venezuela. He declined, in this letter entering again into the details; but stated that he was not now, and never had been Vice-President of Venezuela. Now, was it upon such vague information as had been supplied by that gentleman to the right hon. Secretary, that the House was to legislate without further inquiry upon such a momentous question? Ministers were proceeding in utter ignorance, in a total absence of the necessary information, to enable themselves or Parliament or the country to form a correct judgment. This was not the first time they showed their ignorance and injudicious haste in their proceedings as regarded this question. The former Order in Council, which had been discussed in that House, was characterised by the same haste, and equally proved their ignorance of the real state of affairs in the colonies. He foretold them in October last, that their Order in Council could not and would not be carried into effect in the colonies. It was filled with the most gross and ridiculous absurdities. He before alluded to that part of it which provided that a new razor should be given every year to each slave. What was the consequence? Why, Ministers were soon after obliged to suspend their own order, seeing that it could not possibly be acted upon. It was utterly unfounded to say, that the colonists disregarded the Resolutions of that House. They did no such thing, but they wisely and properly disregarded the Order in Council. They proved themselves right by the succeeding conduct of Government, who withdrew their own insane order. In the communication made by Lord Goderich to the colonists there was a very long article, the object of which was to show, that the Government was much better acquainted with all matters connected with their Order in Council, with every thing connected either with slave or master, than the colonists themselves, and that they did not stand in need of any advice or suggestions upon the subject from the Colonial Legislatures. What was the result of all this boasting? Why, they withdrew their own order, as prejudicial alike both to slave and owner. This, however, was not all. A Committee of the Lords was appointed last Session to inquire into the subject, and to report. Nothing more than *ex-parte* evidence came before this Committee, and it ended without their coming to any final conclusion. They met in April, and the inquiry, so far as it went, was confined to Jamaica. Even as regarded Jamaica, for want of sufficient time, they were obliged entirely to omit many important points of inquiry. They said, however, that they expected from Jamaica many witnesses of respectability and intelligence, from whom they hoped in the following Session to obtain important information. Now, he would ask, was it fair or candid in the noble Lord (Lord Althorp) under such circumstances to call upon the House to legislate before this information was obtained? Was it acting justly towards the colonies or the country, to refuse further inquiry? A Committee of the House of Commons was appointed to go into a similar inquiry, but they made only a partial report. This Committee also confined the inquiry to Jamaica, and did not investigate at all that part of the subject which related to property. The public functionaries against whom charges were brought in the evidence before this Committee had no opportunity given them of answering these charges. The Government, instead of precipitating their measures, ought to have sought and obtained information from the public functionaries and other persons connected with the West-India colonies; and their having declined to do so was the more inexcusable when such testimony had been offered by those who represented the West-India interests. But instead of adopting that safe and necessary course, Ministers rushed headlong into experiments, and they did this not only in opposition to the wishes and opinions of those who were best informed on the subject, but in almost total ignorance of the nature or bearings of the interests with which they thus needlessly and imprudently meddled. Let the House consider the importance of the great and vital interests which were involved in this new experiment of Ministers; but above all, they should bear in mind the frightful consequences which must inevitably follow a failure of this plan. If such experiments were tolerated no species of property would be safe from the interference of Parliament. For his own part he would not run on with Ministers in that heedless and reckless course, which, as it was adopted without sufficient inquiry or consideration, could not but lead to confusion and ruin. The plan of the Government was proposed to that House in violation of a pledge to the colonists that no such measures should be adopted until the termination of the Reports of the Committees of both Houses of Parliament. It had been repeatedly and formally announced to the Colonial Legislatures, that Ministers would not propose any legislative measure to Parliament for the abolition of slavery until the fullest inquiry had been instituted, or, at all events, until the imperfect reports which had been presented to both Houses of Parliament should be terminated. What then was it but a breach of faith to introduce this new plan without even the revival of either of the parliamentary Committees? It was not alone the interests and welfare of the negroes and of the colonists which were at stake, but also the most important interests of the British empire. He would again openly accuse Ministers of a breach of faith towards the colonies, and if he were a member of the legislature of Jamaica (one of the colonies to which the pledge was made), he would at once say to his colleagues that they ought not again to trust Ministers, or put their faith in such councils. Did not Lord Goderich, in his letter of the 15th of June, 1832, to the Governor of Dominica, say that the Government were resolved to abstain from all further interference with the colonies until the Committees of both Houses of Parliament brought their labours to a close? The hon. Member quoted the words of the despatch, which expressly stated, that "the Government would abstain from taking any measure whatever till the labours of the two parliamentary Committees had been brought to a close." And in the December following, the Governor of Jamaica repeated the same declaration to the legislature of that colony, adding the assurance, that the proceedings of the two Committees would be resumed at the next Session of Parliament. No such Committees had been appointed, no such inquiries were in any way resumed, and he was therefore justified in saying, that there was not only a breach of faith, but a want of information, and, he might add, a total ignorance of the subject on the part of the Government. Under these circumstances it was most strange, it was most alarming, to see Ministers, in the absence of all information, bringing forward hastily a measure which was necessarily crude, undigested, and imperfect. But the Government did not stop here. They put forward the most erroneous statements; and a gallant Admiral opposite, in his anxiety to sweep away the Colonial Legislatures, had asserted, that out of forty-five members of the Jamaica Legislature, there were not ten who had any landed property, and that the most of them were not solvent, and that ten of them were bankrupt attornies and slave-managers. This certainly was a sweeping declaration, but he was in a condition to disprove the allegation, for he held in his hand an authentic document which showed clearly, that out of the forty-five members alluded to there were not five who were not men of property. That document, he was ready to show to the gallant Officer, or to any other Member of the House, but he would not go through its details, as he had already, he feared, exhausted the patience of the House; but he could not refrain from mentioning three or four of the names of the gentlemen referred to, for the purpose of showing the accuracy of the statements which had been put into his hands. [The hon. Member read over three of the names, together with statements of their landed property, and the particular localities in which those properties were situated]. The House, he was sure, would feel that he was justified in designating the aspersions which had been cast upon these gentlemen as slanderous and unfounded. Here, then, was discovered a material error in the statements which came from the supporters of this new scheme; and in the absence of information, he was justified in assuming that inquiry would discover other similar mis-statements. But Ministers seemed indifferent to the detection of these errors. They were already humiliated by the failure of their first experiments with regard to the colonies; but they had scarcely suggested a plan when it was shown to be impracticable. That was withdrawn, and another, in his opinion, equally absurd, was substituted; and this change of plans, affecting some of the most important interests of the country, took place within a few days. How, he would ask, could such plans be sufficiently matured, or rendered even practicable? On the 7th of February, a memorial was presented on the part of the colonists, praying the Government to reappoint the Committees of Inquiry into the state of the colonies, and calling upon Ministers to do something in redemption of their pledge. The colonists were asked not to press their claims, and, for his own part, he must say, that the colonists were wrong in yielding to such solicitations. He, for one, never thought that much good arose from ceasing to press just claims. However that was, the Government, in the same month, proposed a plan of emancipation to the colonists, which embraced eight bills, two of which were to be passed by Parliament, and the other six were to be passed by the Colonial Legislatures. This measure, in itself, showed the inconsistency of the Government, which had, by their orders in council, declared that it was the people of England alone who could carry the measure of emancipation. This measure was abandoned, and in ten days afterwards, another, one of diametrically opposite principles, was proposed to the colonists. How such a change of opinions could have been effected in so short a time, or how, within such a short period, so extensive and sweeping a measure could be devised, was more than he could conjecture. It was, he would venture to say, such a measure as could not be beneficially applied to the colonies. It embraced such vast interests, and contained such a variety of detail, as required more time, more care, and more investigation, than had been applied to it. Yet Ministers appeared determined to persevere in their attempt to adopt it. For his own part, he should, of the two, prefer the first plan, which had been devised by the Government; but he could not consent to the hasty adoption of either. He submitted to the House, and he submitted to the country, whether they would tolerate the headlong proceeding which was taken without consideration, and submitted to a House of Commons, which was not in a proper condition to adopt, or even discuss, such important resolutions. He had never yet known or heard of the like attempt to force a measure through Parliament. He would never consent to impose an annual charge of 1,000,000*l.* on the people of England, without first seeing that the emancipation of the slaves would be effected by it; and, even on that ground alone, he would oppose those Resolutions, because he was convinced that they would not attain the objects which the supporters of those Resolutions professed. Were they, then, to try this dreadful experiment without the consent of the Colonial Legislatures? They, at least, ought to be consulted and heard. He had said, that this measure would entail a permanent expense of 1,000,000*l.* a-year on this country. In the first place, there would be the 600,000*l.* a-year, and the expense of a police would be 150,000*l.*; then there would be the charge for education, which, with other expenses, would amount to 1,000,000*l.* a-year. The hon. member for Weymouth had, in the course of a former speech, quoted Mr. Burnley as an authority upon the subject of slavery, and yet it was rather strange that the hon. Member should refuse to hear Mr. Burnley before a Committee. The hon. member for Weymouth had every year changed his opinions on this subject; but Mr. Burnley was, though perhaps erroneous in some of his opinions, at least consistent throughout. He was likewise a gentleman who had paid great attention to this subject, and was at all events entitled to be heard. Why should his opinions be quoted, and his examination refused? Mr. Burnley was ready to submit himself to the examination of the House, or of a Committee. With such opportunities of acquiring information, it was most unjustifiable on the part of Ministers to proceed in their hasty career, in total ignorance of the subject upon which they attempted to legislate. Again he repeated, that their ignorance was proved by the fact of their having changed their opinions in the short space of ten days. Holding the opinions to which his mind had been brought by mature reflection, and considering, as he conscientiously did, that the measures of Government would be productive of great evils both to the colonies and to the British empire, he felt himself called upon to state explicitly what those opinions were. That man was not a true friend to the negro, or to England, who, in discussing this subject, appealed to the passions of his hearers.—It was a subject surrounded with difficulties, and required the calm application of reason and truth; and, knowing as he did the necessity of avoiding all irritation, he could not help deprecating the too frequent allusions which had been made to the "lash". The "lash" was admitted by the noble Lord opposite to form a part of the new system. He would ask those who tolerated the "lash" in the British army and navy to look at home; and if they made proper inquiries they would find that the "lash" was more frequently used in the British army than in the colonies. He held in his hand a return showing the numbers of the British army in each year from 1825 to 1831, both years inclusive. The establishment of the army in 1827 consisted of 111,107 men. The number tried by Courts-martial in that year was 5,340; of these 2,541 were sentenced to various punishments other than corporal; 2,632 were sentenced to corporal punishments, and of these 2,291 actually received corporal punishment. This showed, that one in forty-eight received corporal punishment, and that taking 300 lashes as the average punishment, there had in that year been 687,000 lashes inflicted on British soldiers. [*No, no*] Well, then, supposing the average to be 200, it would appear that there had been 458,200 lashes inflicted during that year. In 1831 the establishment of the army consisted of 103,374 men. There were tried that year 7,370 men; 5,497 were sentenced to various punishments other than corporal, 1,611 were sentenced to corporal punishment, and 1,477 received corporal punishment; showing, that one man in seventy had been subjected to corporal punishment, and, according to his former averages, the amount of lashes inflicted would be 443,100. In referring to those returns he was glad to perceive that there was a decrease of corporal punishment in the army. But he must, at the same time, observe, that the severity of such punishment was far greater in this country than in the colonies. Some punishment was absolutely necessary to keep negroes in order, and in his opinion order was mercy. Those who talked so much about the use of the lash in the colonies ought first to recollect how much more severe was its application when inflicted upon freemen, in the midst of civil tribunals, before they complained of its use in preserving order amongst the negroes. Let no person misunderstand him as advocating such a system. He was, and had been, all through life, opposed to that species of punishment, but he could not overlook the fact that some of those who were most clamorous for its abolition in the colonies tolerated it at home. He had to apologise for having occupied so much time of the House, but, though personally disinterested in the matter, he could not avoid expressing his disapprobation of this new system which was introduced by his Majesty's Government.—He then moved—"That it is the opinion of this Committee that further information is required relative to the efficiency of free labour and other points, upon which the future beneficial cultivation of the colonies materially depends. And for this object, without which neither the welfare of the negroes nor the interests of the planters can be secured, it is desirable that the inquiry commenced by Committees of both Houses of Parliament in the last Session should be immediately renewed, with the view of examining certain eminent persons recently arrived from various colonies, as well as others practically acquainted with colonial affairs, and especially deputed for the purpose of affording information touching the various points on which so many discordant opinions have been stated in this Committee."

Admiral *Fleming* regretted, that he had not been present when the hon. member for Middlesex had thought proper to open his fire upon him (Admiral Fleming). He, however, could now only state, that he adhered to the evidence which he had formerly given before Committees of the Houses of Parliament, and which was founded upon what he had himself seen in Venezuela. In support of what he had then stated he could produce the late President of, Venezuela, who was then under the gallery, and who would bear him out in every word he had uttered. He had not come forward either a willing or a volunteer witness, and he could also say that he could be directly corroborated in other respects by General Herman, Governor of Bogota. He was also prepared to repeat all he had stated with reference to the Colonial Assembly of Jamaica, for, though his information was not derived from what he had himself witnessed, yet it was derived from members of that assembly, one of whom, (Mr. Lynch,) had declared to him (Admiral Fleming) that he was a bankrupt. Of that assembly, he could say, that there was not one who, if all his debts were paid, could raise half-a-crown in the pound. He was unconnected with any party in the slave question; but when his own evidence had been attacked, he had felt it due to himself to make this statement to the House. He could only add, that if hon. Members on the other side of the House would contend for that which was false in principle, nothing but bloodshed, insurrection, and misery would ensue; and to them he would say as a caution, "do not drive your plans too far." The moment the proposition of the right hon. gentleman, the Secretary for the Colonies, was received in Jamaica, he felt satisfied that the Government could not retract an inch from that proposition.

Mr. *Buckingham* said, in rising to offer a few observations on the subject before the House, he could not refrain from expressing his surprise and regret at the course pursued by his hon. friend, the member for Middlesex, whose objections came too late, for his proposition was to delay that declaration of Emancipation which the House had solemnly pronounced by the unanimous vote on the first Resolution, which had already passed; it was perfectly useless, therefore, now to propose a Committee for further evidence, as the fiat had gone forth, to declare that slavery should be abolished, and our only remaining task now was to determine the when and the how. The hon. Member had deprecated our legislating in ignorance of the actual circumstances of the colonies, of which he assumed that we knew nothing, compared with the individuals who resided in them, and he asked whether the inhabitants of Japan were not likely to understand what was passing in their own country better than the people of England. The illustration was not a happy one, for the cases were not parallel. There was no intercourse whatever between the people of England and the people of Japan, and there was not a single Japanese to be found, perhaps, in all the British islands; whereas the intercourse between England and the West Indies was frequent and extensive. Hundreds of persons who had passed the greatest portion of their lives in the colonies, resided among us, and some were even members of that House. He had visited the West Indies, twenty-five years ago, commencing with the island of Trinidad; he had subsequently visited many other islands in a maritime capacity; he had afterwards passed some time in Virginia, the greatest slave-holding state in America; and since then he had seen slavery in all its varied modifications, in the Eastern world, from the severest to the mildest form in which it existed or was known. He might be considered, therefore, as not altogether destitute of experience on this head; and if this experience could give any weight to the testimony he should bear on the subject, he should rejoice in having the present opportunity of declaring that, from the first moment he ever saw a slave, until the present time, his conviction had been, not merely that slavery was sinful, cruel, impolitic, and unprofitable, but that it might be abolished with perfect ease and entire safety, not gradually, but immediately—not in one spot only, but throughout the globe; and that all parties would be ultimately benefited by such a step. He would now advert to the principal objections that had been urged against his view of the case, by those who thought the immediate emancipation of the slaves would be attended with danger, or difficulty, or loss; and as briefly as he possibly could, he would pass in review what had fallen from those hon. Members who had opposed his Amendment on the last evening of the debate; in doing which, he might find it practicable also to convince the hon. member for Middlesex, that a much larger body of evidence than he seemed to contemplate, could be cited, to prove the superiority of free labour over slave labour, in every experiment that had yet been tried. He would begin, then, with the objections to immediate emancipation, which were raised by the noble Lord, the member for Stirling (Lord Dalmeny), which embraced the three following assertions:—That the slaves were too ignorant to be admitted at once to the enjoyment of freedom. That they had treasured up vindictive feelings for all the cruelties inflicted on them, and could not be made free with safety. That it therefore required the greatest caution and prudence to release them gradually, and above all, to prepare them for their freedom before that blessing was conferred upon them. He would advert to each of these in succession. First—as to ignorance. If it were intended to confer at once upon the negro the enjoyment of political rights, the trust of the elective franchise, or elevation to judicial or other stations of civil or political authority, he confessed, that with all his love of liberty, and advocacy of extended rights, he should pause before he assented to such a measure. But all that was intended by the freedom of the negro, in the present instance, was to give him the liberty to take his labour, the only property he had, to the best market, to select his own employer, to negociate for his own wages, to earn his own bread, and to enjoy the fruits of his labour unmolested. Surely the most ignorant people in existence might be safely intrusted with so much freedom as this, and this was all that was asked for the slaves. If ignorance were a disqualification for that extent of freedom, then ought the great bulk of the population in every country upon earth to be kept in a state of slavery. But if, as was undoubtedly the case at present, the most ignorant inhabitants of every nation in Europe were as free in this particular as the wisest, and no inconvenience was felt from that equality of rights in this respect —the right to dispose of their labour freely, (and no more was asked)—it must be equally safe to admit the full enjoyment of the right contended for to every slave, whatever the degree of ignorance in which it might be his misfortune to be found. Secondly—as to vindictiveness. It might be true, and none could wonder at the fact, that the severe and continued oppressions which these unhappy beings had so long suffered, might inspire them with feelings of anger, and even of revenge towards their oppressors. But what was the best remedy for this?—to keep them still longer enslaved, or to let them go free? By the former course, every cause for vindictiveness would be aggravated and prolonged; and whenever the moment for executing the long treasured purpose of revenge should arrive, the arrear to be wiped off by this terrible process would be the heavier, and the vengeance the more signal and complete. But, by releasing them from bondage, we should at least prevent any addition to their reasons for vindictiveness; and before the load became intolerable, they might be relieved of their burthen with greater ease than at any deferred or protracted period.

He had himself witnessed the arrival of ships from foreign stations, at the close of the last war, when many thousands of seamen were paid off, discharged, and sent forth into a state of freedom, suddenly and without previous preparation, though, from the severe restraint under which they had been kept, and the punishment of the lash to which they had been subjected, their feelings towards their officers were such, that any favourable moment for mutiny would have been seized, had they been kept longer in the bondage in which they were. But from the moment they were let loose from their floating prisons, they were far too happy to think of anything but the delights of freedom; whatever feelings of vindictiveness they might have cherished, instantly disappeared; and no further cause for anger and ill-will existing, the feeling became extinguished, and they would have hastened to shower blessings on the very heads that they would have loaded with curses but a day or two before. Thirdly—as to caution in proceeding, and preparation of the slave. The first had been exercised to so great an extent already, that it was unreasonable to ask for more, unless its exercise was to be eternal. We had been proceeding with so much caution, and had taken our steps so very gradually, that after thirty years of continued efforts for the abolition of slavery up to the present time, the slaves were no more free now than they were then, and any improvement in their condition was so slight as to be scarcely perceptible. We never could prepare them for freedom, but by making them partake of its enjoyment. Until the first step, of admitting them to the rights of free labourers, should be taken, they never could be prepared to take the second, or be qualified to enjoy the rights of free citizens, or free men. Emancipation, therefore, must precede improvement, or it would never come at all: and if prudence and caution were requisite, as he admitted with the noble Lord it was, those qualities would be best evinced, by beginning the work of abolition at once, and effecting it by legal and peaceful means; to avert the otherwise certain catastrophe of the slaves themselves achieving their own deliverance, and wresting their freedom by violence, as a right, from those who might have bestowed it with gentleness, as a boon. He would now venture to trouble the House with the proofs, which were ample and authentic, of the perfect practicability and entire safety of the immediate transition from slavery to freedom, and of the superior productiveness and efficiency of free labour over slave labour wherever it had been tried. The hon. Member quoted several passages from the pamphlet written by Mr. Josiah Conder, entitled, "Wages or the Whip," to establish the fact, that free labour was cheaper than slave labour. The hon. Member then continued—Let him, however, advert to what had fallen from the noble Lord, the member for Liverpool (Lord Sandon), who spoke on a former evening in the debate. That noble Lord had given an enumeration of the various classes interested in this issue of the great question—the West-India planters, the British merchants, the ship-owners, the manufacturers, and the labourers of every kind now employed in supplying materials for the West-India trade: assuming, as it were, that by the emancipation of the slaves, the colonies would either become independent, or extinct, or pass into other hands, and that in either case all those great interests would suffer a total loss of all the occupation and the profit which our present relations afford them. Should this be the case, it would undoubtedly be felt as a great calamity, and might well make us pause. Not only, however, did the ordinary application of principles, and the exercise of reason and reflection, go to show the probability of a different issue—but the whole testimony of history and experience pointed to an entirely opposite result. If free labour were more productive than slave labour (as by the evidence read he had abundantly shown), it must then follow, that both masters and slaves would be enriched thereby—and the desire for increased enjoyments naturally following, we should no longer be engaged in sending out to the West Indies the miserable and scanty supply of salt herrings for the negroes' food, a few shirts and caps for their raiment, and an occasional addition to the implements and machinery of husbandry and manufacture for their use; but the freed men, having accumulated means of purchase and payment, increased supplies of necessaries, comforts, and luxuries of every kind, would be required; and all the arts and elegances of life would progressively be substituted for the rude materials now in use among them. America furnished a striking illustration of the effects of such a change. While appended to England as a mere colonial possession, the cost of governing her was great, and her returns in trade were few. But, once emancipated and independent, her demands for the manufactures of this country progressively increased; augmented supplies were sent from that country in payment for such supplies; and it was far within the limits of truth to say, that, at the present moment, the commerce between free America and England was twenty times as great as it ever had been between those countries previous to her Emancipation, and the improvements consequent thereon. So would it be with the West Indies. Whether they remained as appendages of England after they were cultivated by free men instead of slaves, whether they became independent, or passed into other hands, so long as their tropical produce could not be grown in England, we should be disposed to resort for it there; so long as we were consumers of this, we should pay for it in British goods; and therefore, in either case, the West-India proprietors would be enriched by a larger demand for their produce; the merchant would have larger gains from the increased amounts over which his connexions would extend—the manufacturer would have increased vent for his articles of every kind; the ship-owner would have freights for an increased number of vessels to convey the interchanging products of each; and the seamen and artizans of the country would find increased employment in the augmentation of reciprocally beneficial trade. The fears, therefore, of the noble Lord, were perfectly groundless; and the very reverse of what he seemed to anticipate would be likely to follow from the change. He would now pass to the speech of the hon. member for Newark—a speech to which it was impossible to allude but in terms of eulogy, for the tone, temper, manner, and matter, by which it was characterized, and which occasioned it to be listened to with pleasure by all parties, whether they concurred in the views it advocated or not. That hon. Member had contended, that sugar cultivation, which was said to destroy so many lives annually, was not so destructive an occupation as many trades practised in England, among which he enumerated the steel-grinders, who were subject to diseases occasioned by their occupation, most fatal to life, and destroying the constitution in comparatively a few years. The hon. Member had overlooked the fact, however, that it was not so much the mere cultivation of sugar which led to excessive destruction of life, as its cultivation on a system of forced labour, which exacted continued work, with too great severity, and for too scanty a reward. In every community there must be occupations more or less dangerous, and more or less disagreeable. But, provided the labourers were free to choose whichever they preferred, it would happen that the timid and the indolent would choose the easiest and the pleasantest, and the number of applicants for this would reduce the wages to a low scale; while the boldest and the most reckless would choose the dangerous and the difficult, not for the danger and the difficulties, but for the high rewards attached to their performance; for the very destructiveness of their nature would narrow the circle of competitors, and the wages would accordingly be high. It was thus in the instance of the steel-grinders, to which the hon. Member had adverted. There were many of these employed at Sheffield (the town he had the honor to represent), and he believed that the wages of this class of artizans was so high, as that with three or four days' labour in the week, as much might be earned as at any of the less destructive occupations in six. But this made all the difference. Let the sugar-cultivators of the colonies be as free to choose their occupations as the steel-grinders of Sheffield, and there would be no just ground of complaint: high wages would follow dangerous and difficult employments, and low wages safe and easy trades. The source of discontent was, that the negroes were compelled to labour excessively, by coercion and terror of the whip, and were badly fed and badly clothed, though they laboured in crop-time eighteen hours out of the twenty-four: while the grinders of Sheffield were not compelled to labour, and, with eight hours' work per day throughout the whole week, could secure their being well fed, well clothed, and have some surplus left for enjoyment besides. The army, it was well known, was, in war time especially, a service abundantly destructive of human life; the navy still more so, for, in addition to the risks of battle, the risks of shipwreck must be incurred. Certain stations of service in both were also more dangerous than others, from climate and other causes. But these were often preferred to more healthy and more pacific spots; because, in these the chances of gain, honour, promotion, and prize-money, were increased; and he (Mr. Buckingham) had himself heard drunk as a toast, in the gun-room mess of a man-of-war in the West Indies, "a destructive war and a sickly season;" the proposer justifying his wish, by the observation, that promotion was the desire of all, that this could not be quickened without vacancies, and the consolation of all was, that when these vacancies were occasioned by the two causes named, all parties were satisfied, as those who lived obtained speedy promotion, and those who died did not require any. Where perfect freedom of choice was allowed, every man would suit his own disposition or his own taste in the selection of the labour or the service in which he proposed to engage: and when the slaves in the colonies should be allowed that freedom of choice, he thought all complaints as to the destructiveness of any branch of labour would be at an end. The last speaker, whose arguments he felt called upon to notice, was the right hon. Baronet, the member for Tamworth (Sir R. Peel), and he thought it the more necessary to do this, from the powerful impression they had made in the House at the time of their delivery on the last night of the debate. Knowing as he did the great importance attached to the opinions of the right hon. Baronet, as the acknowledged and distinguished leader of a political section or party in the State—aware as he was of the talent and skill with which his views were always developed and enforced—and witnessing as he had done the impression made by him upon the House, and, through it, no doubt, upon a large portion of the country, he (Mr. Buckingham) thought it of the utmost importance to notice those portions of the right hon. Baronet's speech which enumerated his objections to immediate Emancipation. The first of these was, the observation that, in addition to the moral causes which were in operation in the West Indies, there were physical causes equally powerful, to prevent the due amalgamation of the European and African races, and these causes being permanent in their nature, could not be overcome by any legislation. Now, in answer to this, he (Mr. Buckingham) would observe, that the only reason why the African race was looked upon with such feelings of contempt for its inferiority by the European race, both in the West Indies and in America, was the constant association of the condition of slavery with the sight of men of colour; and the actual inferiority of their condition led to the constant assumption of their inferiority of blood or nature. But the testimony of all history, whether ancient or modern, and the evidence of all experience, went to show, that in countries where no such idea of slavery was associated with darkness of colour, these physical causes were not at all in operation, and consequently these obstacles to amalgamation did not exist. Were it not likely to be thought pedantic, he might cite particular instances in proof of this; but he would content himself with saying generally—that in Egypt, and throughout Turkey and Persia, as well as in India, persons of African origin mingled freely with persons of European and Asiatic nativity:* and that many of the civil and military officers of rank in the State were held by absolute negroes of pure African birth, without the slightest objection being taken to their fitness, on account of their complexion or blood: and after the lapse of a short time subsequent to the emancipation of slaves in our colonies, he doubted not but that the existing prejudices in America and the West Indies, would all disappear. It was said, also, by the right hon. Baronet, that the love of repose, arising from the warmth of the climate, and the abundance of food, which could be procured with great ease by very little labour, would indispose the negroes to work; and that we should, therefore, lose the benefit of their labour. Now, suppose the fact were so (though the evidence he had already cited, proved quite the reverse) surely we had no right to interfere for the purpose of making them labour beyond that limit of necessity for the supply of their own wants. The only legitimate object of Government was the happiness of the people:—suppose, then, a whole nation, or any number of individuals in it, were so fortunately circumstanced by locality, or by any other cause, as to be enabled to procure, with very little labour, or with none at all, a full supply of all their physical wants—should we be justified in compelling them to labour over and above the amount necessary for this purpose? He must say, that he should regard this as a tyranny of the most unjustifiable kind. Why, how many persons were there in England, who were able, without labour, to procure all they desired, from having other sources of income, which rendered labour on their parts unnecessary: and would it be borne that such persons should be forced to labour for their subsistence, when they could obtain all they needed without such occupation? The State was, undoubtedly, bound to see, that idlers were not pensioned on the public purse, and that paupers were not maintained by the nation, when they did nothing to support themselves: but beyond this, the State had no right to interfere; and if skilful persons in this country, could, by one day's labour, acquire the means of subsistence for a month, or an easily contented negro in the West Indies could, by one day's labour, obtain food enough for himself and children for all the rest of the week—why should we compel either of these happy and fortunate parties to labour more than would suit their own pleasure, after the purpose of their own subsistence, independently of any public aid, should be secured? But, what was the real fact? Why, invariably this: that in both cases, the desire of gain was so much more powerful than the love of repose, that neither party stopped short in their exertions when their necessities were satisfied, but all pursued the same career of accumulation, adding as much as possible to that which they already possessed; love of accumulation generally becoming more and more intense in proportion to the amount of the property possessed. As a proof, however, of the great activity of which the negroes were capable, and of the powerful influence of rewards to stimulate and quicken their exertions, he would mention a single fact which fell within his own observation. Some years ago, being stationed on board a ship in the Chesapeake, an occasion arose in which it became necessary for the despatch of outfit, to employ a gang of riggers from the port in which the ship lay. On inquiry, it was ascertained that there was a negro gang of this description at Norfolk, who were all slaves, belonging to a Virginian proprietor, to whom they paid half the amount of their earnings, as his profit or interest of the capital sunk in their purchase, and lived upon the remainder. Their average earnings, when employed in time-work, was about a Spanish dollar each, per day. The foreman of the gang was sent for, and the quantity of labour to be done was pointed out: it was then asked, in what period of time, the gang, about twenty-five in number, would be able to accomplish the work, and it was said, in about a week, which all parties agreed in thinking to be a reasonable period: it was observed, however, that if the job should be given as a task, and the same amount of remuneration paid, in whatever time it might be accomplished, it could probably be finished sooner. This was assented to, as despatch was a most important object; and the consequence was, that by great exertions, working by spells, day and night, the good week's labour was completed in three days and a-half, and all parties were abundantly satisfied. The negroes made each nearly two dollars a-day; and paying one to their master, had still ample wages for themselves: but had they not been allowed to receive these wages, or had they been stimulated only by the whip, they would not have accomplished in a fortnight, what they here executed, in the best as well as most expeditious manner, in the short period of less than four days. This fact was a striking illustration of the truth of the sentiment expressed by Burke; and, as the right hon. Baronet had quoted the language of that celebrated statesman to show the difficulties of immediate emancipation, it would be perfectly fair to quote the same authority in favour of the superiority of free industry over slave labour. In his "Treatise on European Settlements," Burke expressly said, "I am the more convinced of the necessity of those indulgences, as slaves certainly cannot go through so much work as free men. The mind goes a great way in every thing; and when a man knows that his labour is for himself, and that the more he labours the more he is to acquire, this consciousness carries him through, and supports him beneath fatigues under which he would otherwise have sunk." The right hon. Baronet had dwelt with great force on the position, that if we emancipated the slaves, the sugar cultivation in our own colonies would cease; in which case, we should be driven to the necessity of adopting either the one or the other of these alternatives; namely, that we must do without sugar altogether, to which he thought the people of England would not consent; or we must obtain it from foreign colonies, and thereby increase the labours of the slaves in these, and give new activity to the slave-trade by which these colonies would be still supplied. It was impossible that a person of such extensive information on all topics of public interest as the right hon. Baronet could be ignorant of the fact that sugar was a production of the East Indies as well as of the West; but it was very remarkable that he should not advert to that fact. It became, then, the more necessary, that he (Mr. Buckingham) should offer evidence to prove, not only that this article could be had in any quantity required, from our possessions in the East, but that it could be had much cheaper than from the West. The proof was this—'In the work on East-India sugar, from 'which this is taken, extracts are given 'from a letter addressed to the hon. the 'Court of Directors, by W. Fitzmaurice, 'Esq. dated Calcutta, Feb. 6, 1793. This 'gentleman, having lived in Jamaica six'teen years, during which he had been 'employed in the cultivation and manage'ment of sugar estates on both sides of 'the island, must be regarded as thorough'ly competent to form a decisive opinion 'respecting the comparative advantages 'of the two countries; and he expresses 'that opinion in the following terms.—'"From the luxuriant fertility of the coun'try, I think it is amply competent to the 'supply of all Europe with sugars; and 'that even the West-Indian planters them'selves might import them from thence on 'much easier terms than they can afford 'to sell sugars in the curing-houses upon 'the plantations. The cultivation of the 'cane will employ thousands of poor peo'ple that are to be seen in all parts of this 'country in real want; and inasmuch as 'the cultivation of the sugar-cane destroys 'annually, in the West, thousands of 'men, women, and children, by incessant 'toil, it will save the lives of thousands in 'the East, by giving them employment and 'sustenance."' Again, Bryan Edwards, the well known author of the History of the West-Indies, and the apologist for the slave-system, admitted that the price of growing sugar in Jamaica was 18*s.* 9*d.* per cwt., which, compared with the price of growing sugar in Java, was just 125 per cent dearer than the same article might be grown for in the East. He conceived, therefore, that if the whole of the West-India islands were to be submerged beneath the sea and utterly annihilated, we need not resort to slave colonies for our supplies, for that our own possessions in the East were capable of furnishing an adequate supply of sugar, not merely for the consumption of Great Britain, but for all Europe if required. He had now, he hoped, disposed of all the most important objections raised by the several speakers who had preceded him, against immediate emancipation, and shown that this was not only just, but practicable and safe. Indeed, he concurred with the hon. and gallant Admiral opposite (Admiral Fleming), that the greatest danger lay in procrastination or delay. The decree had gone forth, that slavery was to be abolished; the slaves, therefore, would not be content to wait long before their bonds should be broken, even if we were disposed to do so; and unless we followed up our declaration, by giving them actual freedom at the earliest possible period, they would do the work for themselves, and leave us to repentance when it was too late. In conclusion, therefore, he would conjure the House not to accede to the motion of the hon. member for Middlesex (Mr. Hume), who wished for delay; nor to be moved by the arguments of the right hon. member for Tamworth (Sir Robert Peel), which he had shown to be groundless; nor to yield to the demand of the Government for twelve years of further bondage—but, for the sake of religion, of justice, of humanity, and of sound policy, to concur with him in the Amendment he should now move, to follow immediately after the first which had already been passed by a unanimous vote. It was this:—"That as the only delay required for the safe and satisfactory commencement of this great act of national justice, will be such a period of time as may admit the due preparation of measures for the preservation of order and peace, it is the opinion of this Committee that, at the termination of one year, from the date on which the first Act of Parliament for the entire Abolition of Colonial Slavery may receive the Royal Assent, every slave in the British dominions should be declared free, and become entitled to the legal protection of person and property as an emancipated British subject, without the exaction of any payment, either in labour or money, as the price of such restoration to the enjoyment of natural rights."

---

* The reference here was to the alliance of Solomon with one of the daughters of Pharaoh, whose language in the Canticles is expressive of her colour and her race. "I am black, but comely, O ye daughters of Jerusalem, as the tents of Kedar, as the curtains of Solomon." The testimony of Herodotus is decisive as to the colour of the old Egyptians. In describing a colony at Colchis, he expresses his belief that they were of Egyptian origin, because, like the Egyptians, they had thick lips, black complexions, and crisped hair—an exact description of the negroes of the present day. The history of Sheba, the queen of Abyssinia—of Cleopatra, the queen of Egypt—as well as of the Carthaginians, Numidians, and other African nations, prove incontestibly the power of their easy amalgamation with the other races of mankind; while the varied shades of complexion in India, and the intermarriages from which they spring, must convince every reflecting person, that the difference in condition, rather than in the colour of these races, is the cause of the feeling or prejudice alluded to, wherever it exists.—*Note by Mr. Buckingham.*

Dr. *Lushington* said, that the deep interest which he had felt in this question, during the number of years which he had advocated it, and its vast importance to a great number of our fellow-creatures, rendered it necessary, that he should make a few observations upon it. In all the speeches he had hitherto made, however, he had endeavoured to recommend measures of conciliation; and if he departed from that course now, the fault must not be attributed to him, but to the hon. member for Middlesex, whose speech that night had certainly surprised him. In what he (Dr. Lushington) had to state, he grieved to say, that he had not to answer any avowed colonial agent; not one of whom, he would venture to say, but would be ashamed to give utterance to the opinions of the hon. member for Middlesex, who had during the whole of his political life advocated the rights of the slave, and the removal of his chains. That hon. Member, throughout the whole of his life, had, of all men, professed himself to be the friend of the negro—he, of all men, had professed himself desirous to break the negro's chains. What, however, was his conduct on every question in which it was involved? In theory, an abolitionist; in practice, whether it was an Order in Council to be discussed, an act of cruelty to be perpetrated, any little benefit to be conferred upon the colonies, any Committee to be appointed for the purpose of delaying the moment of emancipation, or any Bill to be brought forward in Parliament—on each and all of these occasions, he repeated, that whilst in theory he was a professed abolitionist, the whole course of his parliamentary life gave the lie direct to his assertions and professions. He knew, that the hon. member for Middlesex gained the support of several influential members of the Society of Friends, solely by his general professions on this subject; and he would forfeit his existence, that if the hon. Member had declared the specific course which he intended to pursue, he would have found them amongst the most determined enemies to his election. The hon. Member had confined himself to general professions against slavery, but now—in a speech of two hours and three-quarters, (a speech not certainly arranged in the most lucid order)—he combated the opinions he had before avowed. He did not wish to detain the House, but there were two or three points of the hon. Member's speech which he wished to reply to. The great question was, whether the slaves were in a state to receive their freedom, with advantage to themselves; and the hon. member for Middlesex, in order to show that such was not the case, referred to Trinidad, and, with a fortitude amounting to magnanimity, entered the lists with and ventured to contradict the gallant Admiral (Fleming) near him. He (Dr. Lushington) was in a condition to cope with the hon. member for Middlesex, and prove the contrary of all his conclusions. What evidence did that hon. Member quote? Not the evidence of the House of Assembly, but statements made by the planters of Trinidad, and upon those statements ventured to assert, doubtless from his great West-India experience, that the evidence before the House of Assembly was falsified. The hon. member for Middlesex had quoted that evidence, but he had quoted it partially—he had read only as much as suited his own purpose. He (Dr. Lushington) would read those other parts which had been kept back by the hon. member for Middlesex. The hon. Member then proceeded to read extracts of the evidence in question, with a view to show, that free labour could be rendered more effective in producing sugar than the labour of slaves. It was certainly asserted, and asserted truly, that no free labourer would be found willing to work eighteen hours out of twenty-four. But, good God! what man could expect another to labour for such a period? But the writer of that opinion went on to add, that by labouring from sun-rise to sun-set, the cultivation of sugar might be carried on profitably. His hon. and gallant friend (Admiral Fleming) had stated, that in every case where slaves were emancipated, they were found to increase in numbers, and also to produce a greater quantity of sugar. A Mr. Adams, who had been called on the part of the planters to contradict, if he could, the statements of Admiral Fleming, when questioned, said: "I know, that Admiral Fleming has studied this question deeply, and has taken great pains to make himself acquainted with it; and if anything which I say should have the appearance of contradicting his testimony, I beg to say that his statements are entitled to more credit than mine." The evidence of Admiral Fleming was corroborated by that of other gentlemen; and yet they were to be supposed to be in such a state of ignorance upon the subject, that they were going to have a new Committee, forsooth! they knew nothing of the state of the Caraccas; and they could not proceed without further evidence, further data, on which to found an opinion upon the subject. Could there be a stronger proof—a more perfect example—of a cursory perusal of evidence, than that which the hon. Gentleman had given to the House upon this occasion? With regard to the first witness, to whom the hon. Gentleman referred, as contradicting the fact of the growth of sugar in the Caraccas, it was only necessary to say, that he had not been in the Caraccas since 1813. The next gentleman had not been in the colonies since 1783. The hon. Gentleman had consumed a great deal of valuable time, which would have been much better expended upon these proofs, had he only taken the trouble to refer to the beginning of the evidence, instead of looking, as he probably did, only to that part of it to which his colonial friends entreated him to direct his attention. On these points the hon. Member's arguments were totally unsupported and inefficient. With respect to the labour of emancipated slaves in Trinidad and Caraccas, the House must feel perfectly satisfied, that these labourers had conducted themselves with ability and industry. The hon. Gentleman had taken very considerable pains to calculate the expense which they were of to the country; but he forgot to tell the House this important fact—that, from the period of their emancipation, they had ceased to cost us one farthing—he forgot to tell us that, from the moment when their degrading chains were struck off, from the moment when they were made free men, and permitted to exercise those faculties which Providence had bestowed upon them, they had maintained themselves, by their own unassisted industry, independent. Did not the hon. Member know, that many instances of the emancipation of slaves, to a certain extent, had taken place in the different colonies?—and he called upon the hon. Member to show him a single instance in which emancipation, attempted on a just, wise, and deliberate principle, had failed. He spoke not of emancipation by the bloody revolution of St. Domingo—not of emancipation commenced at a time when the principles of revolutionary France were spread over that ill-fated colony—not of emancipation attempted under such auspices, and promoted by such means. Emancipation had never failed when the experiment had been properly conducted. Be that, however, as it might, the experiment must be tried. If there were an instance in which the experiment had failed, he could mention to the House instances where the attempt had been most successful; and not in cases where a deliberate plan had been laid down, and acted upon, but instances in which the object had been effected by mere accident. About three years ago, an American vessel was wrecked on the Bahamas, conveying a number of slaves from Venezuela to Carolina; they were set on shore without friends and without assistance of any kind; these slaves had contrived to exist from the time they were wrecked to the present hour, and the last account he had heard from the Governor was, that they were improving in civilization, and maintaining themselves without any assistance. Could he ask for a stronger instance than this? But when hon. Gentlemen talked of the difficulty of governing a black population, he would ask, had any man ever thought of the case of Sierra Leone? There was abundant proof of the good conduct and the industry of the slaves. At Sierra Leone, where there were many thousand negroes, when had any man ever heard of an insurrection or disturbance amongst them? In the year 1797, several Maroons were landed in that colony, and the year before last two of them landed in this country, having realised a handsome competency. It was well known, that many of the slaves in the West-Indies were possessed of mahogany sideboards and glass decanters. If then the negro had sufficient energy to devote the short time which he had at his own command to such labours as enabled him to obtain luxuries, could any man say why he, who could thus employ himself, after the fatigues of the day, for the purpose of indulging artificial wants, should not be at least equally industrious when he had to depend upon his industry for his subsistence and support? The fact was, that the system had been suffered to continue centuries too long; and we had now a deep debt to pay off. The more widely we departed from right and justice, the more difficult it was to retrace our steps. He admitted the difficulty in which we were placed; but what was to be done? Were we to continue in the same path of iniquity? Certainly not: or if we continued the same system, as surely as effect followed cause, so surely would the consequences be destructive to the State. Although there was danger in emancipation, the danger of the contrary system—of exciting the hopes of slaves, of holding out to them the expectation of emancipation, and then voting for a Committee of the House of Commons in the month of June: the danger of such a course as this was infinitely greater. Let it go out to the island of Jamaica, or to the settlement of Demerara, that the great advocate for freedom, the member for Middlesex, did, in the exuberance of his zeal, in the month of June, offer the slaves a Committee of the House of Lords and a Committee of the House of Commons for their satisfaction and comfort, and to induce them to be quiet and peaceable for two years to come; and what feeling would be produced? There never were charges more destitute of foundation than the charge made against Government by the hon. member for Middlesex, as to a breach of their pledges by not appointing a Committee. He did not suppose, that any person professing to be at all acquainted with the subject, could be ignorant, that his Majesty's Government had offered to the West-India body a renewal of the Committee if they were desirous of it. [Mr. *Hume* observed, that this was on condition that the Bill should go on at the same time]. If, after the circumstances which had occurred, after the excitement and agitation on the subject, both in this country and in the colonies, his Majesty's Government had not taken upon themselves the settlement of the question, they would have incurred a heavier responsibility than ever attached to any Government. The hon. member for Middlesex said: "What matter for the 200,000 lashes inflicted at Demerara—look at the flogging in the army at home." So melancholy an argument he (Dr. Lushington) had never heard. If barbarity was allowed to be perpetrated in one quarter, he asked how one state of cruelty could by any possibility justify another? The hon. Member said, that the statements of the right hon. Gentleman, the Colonial Secretary, were incorrect. Now he, on the contrary, affirmed that the speech of the right hon. Gentleman, as remarkable for its eloquence as any that had ever been heard within the walls of that House, was not less singular for its accuracy and fidelity to facts, as the hon. Gentleman would find if he looked at the papers on the Table, and turned a deaf ear for a short space to the West-India agents by whom he seemed to be influenced. The hon. Gentleman would find, that the local Legislatures had departed from the wishes of the mother country, not only with respect to the flogging of women, but also in the mock protectorate of slaves, which they had instituted, the Government having been obliged to dismiss four Magistrates for misconduct in their office. When he urged this question upon the House twenty-six years ago, all that was then said, was, "Give us time for inquiry, or hear us at the bar." When he considered that the subject had never since been withdrawn from consideration—when he recollected the many proceedings which had been taken in reference to it, and particularly the inquiry moved for by Sir Samuel Romilly, and the number of documents that were before the House, he thought the pretences for delay could have no better foundation now, than those which were urged twenty-six years ago. He trusted that the example of the people of England, willing, even in their distress and difficulty, to sacrifice a portion of their resources for the cause of liberty, and calling, in a voice which no Government would dare to resist, for the extinction of slavery, would produce a beneficial effect upon foreign nations, and that the result of their combined efforts would be the vindication of the rights of humanity, the promotion of commerce, and the establishment of eternal liberty over the whole earth.

Mr. *Baring* said, that although he thought that the House was in want of information, and believed that the Government had rashly undertaken the measure which they had brought forward; yet, now that the storm was raised, he doubted the wisdom of adopting the proposition of the hon. member for Middlesex. He considered the question of the emancipation of the negroes to be settled. The course which Government had pursued put it beyond the power of any party, be they planters in the West Indies or merchants in England, to prevent emancipation. Opposition to that measure could attain no practical end, and would only render impossible any favourable result to the experiment about to be tried. The complaint which he had to make against those who had hitherto advocated the question of emancipation—for instance, the hon. member for Weymouth—was, that emancipation being now certain, they did not apply themselves to endeavour to effect their object in the safest manner. It behoved them to pause in their career: the change they proposed to effect was one of gigantic character—extending to all the great commercial and shipping interests of the country; and they could not too carefully guard themselves against being led away by praiseworthy feelings into precipitate legislation. The country, in its natural and humane anxiety, to get rid of the ills of slavery, was little aware of the great sacrifice it was now called upon to make of the national interests for the attainment of its object: but it would soon learn the amount of that sacrifice: ere twelve months had elapsed from the passing of the present measure, he was convinced there would be a great re-action in the public mind; and that Parliament and the public would be called upon to inquire into the mischievous consequences of its hasty proceedings; and to inquire whether and how the colonies might be preserved, or were worth to the nation the cost of being retained as national property? The whole question, after all, turned on this fact or principle—could sugar and the other produce of the West Indies be raised by other than negro labour, and would the negro work as much and as well in a state of freedom as in his present condition of slavery? All were agreed as to the first proposition; but a great difference of opinion prevailed with respect to the latter. To believe the assertions of the hon. member for Weymouth and his party, the slave was so alive to the blessings of freedom, and so eager to prove his claims to it, that he would actually labour more if free than he did at present. But experience told a very different story. It showed that so few were the wants of the negro, and so easy his means of obtaining food in the West-India colonies, that if set free he would cease to labour almost altogether, and pass his hours basking in the scorching sunshine of a luxurious but languid climate. To expect that he would labour patiently for the gratification of wants and sentiments to which he was an utter stranger, was to suppose that an Act of Parliament could reverse the order of human nature. Why, freedom was associated in his mind with images of idleness and neglect of labour; and though he hoped, and indeed on the whole believed, that blood would not be shed by the negroes if the present measure passed into a law, yet he was convinced that labour they would shun as the great burthen of human existence. Was, therefore, the House and the country aware of the extent of the ill consequence of such a neglect of work by the negro population of the colonies? Was it not right that both should be made to see clearly the gigantic sacrifice they were called upon to make for the cause of humanity? Were they so sure that the cause of humanity would be essentially promoted by the present extensive experiment? The negro at present was joyous and contented; to be so indeed was part, so to speak, of the natural habits of the animal. Was he prepared to make a salutary use of the privileges of freedom? If he refused to work, of course the produce of sugar in the colonies would be stopped. Pray, were the hundreds of thousands of petitioners for the "total and immediate abolition" of slavery prepared to compensate—not the planters, for that he held to be the least important element of compensating consideration—but the great shipping and commercial property now embarked in our colonial trade or connected with our colonial interests? Then, again, if they abolished slavery, and with it the cultivation of sugar in the West Indies, were they prepared for the consequences of thereby stimulating the produce of sugar in those other states in which slave labour would still obtain, and by that means stimulating the very trade in slaves? It was no answer to say that we might be supplied from the East Indies, for, besides that the sugar of the East Indies was much inferior to that of the West Indies, the cost of freight would raise the price very considerably to the home consumer; indeed, he was confident that the effect of the proposed measure would be to double, nay to treble the price of sugar in the home market. Pray, were they prepared to treble the price of sugar to the people of England? Was the country prepared to pay some 6,000,000*l.* annually per annum, for the pleasure of performing costly experiments in humanity. It was an admitted principle, that as prices were raised, consumption was diminished, and with consumption the revenue, and *vice versa.* If, therefore, the price of sugar were thus double or treble, its consumption and revenue would be so much diminished. Was the Chancellor of the Exchequer prepared, in such a falling-off of the revenue, to make good the 6,000,000*l.* a-year deficit, 3,000,000*l.* falling-off of duty, and 3,000,000*l.* the tax of increased price, by the imposition of new taxes; and yet he must do so if the scheme of Ministers passed into a law? Had not the noble Lord, therefore, better pause in time, and, at least till he had settled the China and East-India questions, give himself something of a margin for providing a revenue from the produce of the West Indies? He repeated, the country was blind to the enormous price which the present scheme would cost them; and sure he was, when they saw their shipping rotting in their out-ports, and our great colonial commerce almost destroyed, that they would bitterly lament their hasty legislation. He repeated, it was not on account of the planter that he called upon them to pause—but on account of the other great interests involved in the prosperity of our West-India colonies. He had always regarded the planters' claim to compensation, though important, the least entitled to notice—not that he did not cordially subscribe to its fairness; it was but 1,500,000*l.* per annum, while the shipping and commercial interest had some 6,000,000*l.* annually embarked in, and dependent upon, our colonial produce. The country was entirely ignorant of the amount of the sacrifice it was called upon to make. He trusted he might prove a false prophet of the bitter experience that would disabuse it of its pleasing delusion. The attempt to treat the present as a party question was, he thought, unpardonably wicked. He must, however, say that Ministers had erred very much in proposing to apply the emancipation principle of their measure simultaneously and at once. It would have been much more prudent in them to have proceeded gradually and by piecemeal—to have, for example, taken the colonies by classes, according to their relative fitness for the experiment of free labour—to have tried the experiment in the first instance, in Guiana and Trinidad, and then extended it by degrees, and after profiting by the experience of the first workings of their machinery to all the other colonies. It would be impossible for this country to hope to continue to retain her North-American colonies after the working of the present measure in the West-India colonies should be seen; for the former, like the latter, were retained only by a sense of their own interest, and that being destroyed, of course, so would be their allegiance. If prudential considerations, and the immense interest at stake, would not induce the House to proceed with caution, for the sake of humanity, for the sake of 700,000 or 800,000 people, the best treated slaves in the world, they should consider the hazards incurred, and the danger of riveting their chains, and the chains of others, for years, perhaps for centuries. Unless he heard more stringent arguments in its favour, he could not vote for the proposition of the hon. member for Middlesex; and he would be no party to force upon the Government a measure of compensation beyond what strict justice required.

Mr. *Patrick Stewart*, as a West Indian, could not support the Amendment of the hon. member for Middlesex; and with regard to that of the hon. member for Sheffield, no person at all conversant with the difficulties of the case could for an instant entertain the proposition. The first step being now taken, by the principle of the necessity of abolishing slavery having been established, he must as a

West-Indian, congratulate the House and the country on that, and only express a hope that it would be safely carried into effect. He had always been a most zealous friend to such a principle. He had only waited to see a safe and practicable plan of emancipation proposed, calculated to secure the welfare of the poor negro, as well as the interest of the country. He wished he had been permitted to propose a suggestion like that thrown out by the right hon. member for Tamworth, that the wisest plan would be at once to attach to the Resolution something in the shape of compensation, and to leave the colonial authorities to fill up the outline. With regard to the second Resolution, in order to make the new arrangement more simple and secure for the children, he thought that the registrations should include young and old. The hon. Member proposed an Amendment that " it is expedient that all children born in the West-India colonies after the Act for that purpose shall be promulgated, shall be declared free, subject to temporary restrictions for their support and maintenance." The hon. Member likewise suggested an Amendment to the third Resolution, the object of which was, to compel all those who were now slaves to register, and so to free the colonies at once from the name of slavery. With reference to the fourth Resolution, he read certain Resolutions of a meeting of the West-India body, suggesting a loan of money on colonial security, in addition to the sum mentioned in the Resolution, which would be nearly absorbed by its appropriation to property on which there were settlements. His noble friend the member for Liverpool had named 10,000,000*l.* He proposed, " that the House should advance, on colonial security, a further sum not exceeding ———, say 8,000,000*l.* or 5,000,000*l.*, " merely for supporting colonial credit."

Lord *Howick* said, that the Committee were placed in some embarrassment by the various amendments before it. If the question was put according to form, "that the words proposed to be left out stand part of the question," the supporters of all the four amendments must vote against the Resolution of his right hon. friend, which was not fair. But, according to the forms of the House, if the second and third Resolutions were not carried, the Bill need not be altered in a single line. The noble Lord shortly recapitulated his objections to the Resolutions. With respect to the apprenticeship plan, no necessity for it now existed. The original principle of the measure was, that, taking the whole value of the slave population at 15,000,000*l.*, the House should advance that sum by loan to the planters, as an equivalent for one-fourth of the labour of the slave, and at the end of twelve years the principal would be discharged by the labour of the slave. But this was now altered; the slave was not to pay anything to the planter, nor the planter anything to the country. The sum originally intended as a loan, was to be a free gift. If so, and we were to pay for the liberty of the slave, let us have it at once, and not wait for twelve years. There was another alteration equally fatal to the whole notion of apprenticeship. His right hon. friend now proposed to leave the filling up of the plan to the Colonial Legislatures. But the effect of the apprenticeship system depended altogether upon the details; and could he leave to the Colonial Legislatures the task of regulating the manner in which compulsory labour should be exercised? If that principle were observed, he should object to no system of discipline, however strict, which might be enforced by the colonies. He only asked his right hon. friend not to call upon the House to pledge itself to adopt this part of the plan until it knew how it was to be carried into effect. He did not say: "Give up the plan of apprenticeship," but he did say: "Do not ask us at present to pledge ourselves to it." To two of his right hon. friend's Resolutions he felt an insurmountable objection. He was most anxious to avoid coming to a vote opposed to the plan of his right hon. friend. He was afraid, however, that it would come to that at last; but he hoped that that unfortunate moment would be deferred as long as possible. He therefore asked his right hon. friend not to take a vote on those two Resolutions at present. He did not, as his right hon. friend well knew, altogether approve either of the amount of the compensation, or of the manner of granting it. He would waive, however, his opposition on those points, and would support his right hon. friend's other Resolutions, if he were sure that they would effect the great object which the House had in view. He likewise expressed his hope, that the hon. member for Sheffield would not press his Amendment. The hon. Member on a former night had acceded to his suggestion, and he would now tell him, that when the proper time arrived he would not object to vote for the hon. Member's measure, which he considered to be a measure of justice to the slave. The noble Lord concluded by expressing a hope, that when his right hon. friend introduced his Bill, with the necessary details for the protection of the master and the slave, he would see the necessity of making a still greater change than that which he (Lord Howick) had now proposed.

Mr. *Secretary Stanley* assured the Committee, that at that late hour of the night (one o'clock) he would only trespass upon its attention with a few observations, and those not so much in the way of answer to, as comment upon, the different shades of opinion which had been brought out in the course of the debate by the different Gentlemen who had taken part in it. His reason for pursuing this course was, that though almost all of them agreed in differing from the plan of Government, they differed so much more widely from each other, that he did not despair of gaining the support of many of those speakers, by showing that Government, in steering between the extreme opinions on each side, had acted a wise, and prudent, and politic part. He could not, in the outset of his remarks, refrain from expressing his surprise that at this time, after the Resolution to which the House came the other night, after its unanimous vote, in which, if the hon. member for Middlesex had not joined, he had wofully disappointed the hopes and wishes of his constituents "that immediate and effectual measures be taken for the entire abolition of slavery throughout the colonies, under such provisions for regulating the condition of the negroes as may combine their welfare with the interests of the proprietors," he could not, he said, refrain from expressing his surprise, that as that point was settled, and as the question now was, that "it is expedient that all children born after the passing of any Act, or who shall be under the age of six years at the time of passing any Act of Parliament for this purpose be declared free," that the hon. member for Middlesex should think it a good opportunity in the middle of June, after he had suspended his opposition to the total abolition of slavery, and after he had heard the discussion of that night, in which it was shown that there was a mass of multifarious business to be got through, for which there was scarcely now sufficient time, he could not, he again repeated, refrain from expressing his surprise that in the very middle of the dog days the hon. member for Middlesex should propose, that a Committee of that House should resume the consideration of a question on which two Committees—one in the House of Lords, the other in the House of Commons—had been occupied nearly the whole of last year. If we had not sufficient information to legislate upon this question at the commencement of the present Session, why had not the hon. Member come forward and moved for the appointment of another Committee in February last? Why did he not say then to the House, "You are about to legislate in the dark, but the Session is before you, and you may obtain sufficient information before you bring in your Bill;" instead of saying now, when the Resolutions were brought in, and the abolition of slavery was carried by acclamation, "Pause and inquire before you give practical effect to your avowed Resolution?" Why did the hon. Member tamper in this manner with the interests of the planters—with the feelings of the negroes—with various kinds of dangers, to which he had declared himself not insensible? Why did he propose a Committee which his ingenuity would doubtless employ with interminable discussions? The hon. Member said, that the House wanted information, and that this Resolution ought not to pass, because they had not investigated how far it would affect the interests of private property. Now, into that point he (Mr. Stanley) contended that there had been full investigation. But then the hon. member for Middlesex said, that he wanted an inquiry into the practicability of establishing free labour in the West Indies. Now, on that very point a great mass of evidence had been collected by the Committee of last Session. But he would ask the hon. Member, why, if he thought it impossible to obtain free labour in our colonies, had he consented to the abolition of slavery? He would not say, that the investigation already instituted had brought the question of the practicability of establishing free labour to a certainty, for it must, till extensively effected, be a matter of some doubt and speculation; but he did mean to assert that there was sufficient evidence now before Parliament to enable it to form an opinion on that subject. They had on one side the evidence of planters, who said, "You cannot get free labour in the West Indies," and they had on the other the evidence of the missionaries—men, certainly, with warm feelings and a strong bias—who told them that there was no indisposition to labour on the part of the negroes, and that there would be no difficulty in getting free labour. On that evidence the matter might be considered subject to doubt. There had been, however, some experiments as to its practicability tried upon a small scale, and yet, upon his own unsupported assertion, the hon. member for Middlesex had ventured to contradict facts to which an hon. and gallant Admiral behind him had said in his speech he could speak from his own knowledge—namely, that free labour was employed in Caraccas, and that sugar was cultivated there by free labour in great abundance. The hon. member for Middlesex, who claimed to be heard as an impartial witness, because he had no interest in the West Indies, no tie nor connexion with those colonies, had challenged him to bring forward facts to substantiate the existence of free labour in the Caraccas. The hon. Member had questioned the evidence of a Gentleman who had excellent means of information with regard to everything which occurred in the Caraccas, and to whose authority he (Mr. Stanley) had appealed as deserving the most implicit credence. The hon. member for Middlesex did not deny that the gentleman whose evidence he had cited had been the protector of slaves in Venezuela—he did not deny that the gentleman had been Vice-President, and subsequently President of the Congress of Venezuela—he did not deny that the gentleman in question from his official knowledge, must be conversant with all the details of slavery in that colony, but the hon. Member found fault with him for having called him President of Venezuela, when, in point of fact, he was only President of the Congress of Venezuela. The hon. member for Middlesex had come down to the House with extracts ready prepared from letters, but had not ventured to read those letters entire though challenged to do so. And who was the writer of these letters from which these extracts were selected? He would not mince the matter. It was the brother-in-law of the hon. Member, the deputy from the island of Trinidad, the holder of a considerable estate there. It was singular that the hon. Member disavowing as he did every tie and connexion with the West Indies—

Mr. *Hume:* I beg pardon. I never said any such thing. I said, that I had no interest in the West Indies. I never said that I had no tie nor connexion with them.

Mr. *Stanley:* Well, it was singular enough that all the statements which the hon. Member had made against the practicability of free labour—all the extracts which he had read from letters—came from the island of Trinidad, and from the island of Trinidad only. Now, the statement made by the President of the Congress of Venezuela was, that since the introduction of free labour into that country, not only had free labour been found practicable there, but the free labourers had also been found working readily with their former slave associates, and the cultivation of sugar had increased considerably. He (Mr. Stanley) had also stated, but only incidentally, that rum manufactured from Venezuelan sugar had found its way even into Trinidad as Jamaica rum. Upon this the relative of the hon. member for Middlesex had come boldly forward and had wished to be informed how this importation had taken place. Now, he admitted that we had fiscal laws and regulations prohibiting such importation; but surely it was not necessary for him to tell the House that prohibition was not always prevention. Mr. Burnley asked from what ports, in what vessels, under whose agency, from whose office, did this importation proceed; and added, "I request this information from you, because, coming from you, I know it may be relied on." Now, he thought that this was not dealing altogether fairly with the evidence of the gentleman to whom he had referred, and the consequence had been, that the gentleman had replied, "I readily gave to the Secretary of State such information as was in my power; but on points like these I will not submit to be cross-examined by you." "Oh, then!" said Mr. Burnley, "no sugar is grown in Venezuela, and none exported from it, the produce of free labour." Now the hon. and gallant Admiral had told the House that he not only saw sugar growing there, the produce of free labour, but that he also saw it afterwards exported. The gentleman whose evidence he had quoted, and who had lived for many years in the country, said that he had seen this sugar trade carried on; but the hon. member for Middlesex, who had never been an hour in the country took upon himself to affirm, that he knew much better even than an eye witness what was going on there. He (Mr. Stanley) understood, that in the Committee last year, the evidence of the hon. and gallant Officer behind him was to be thrown overboard, and for that purpose a witness of the name of Bryan Adams was produced. He was asked, "Are you aware of any exportation of sugar from the Caraccas?" He replied in the affirmative. He was next asked as to its extent. He replied, that it was increasing. "Can you state the quantity?" His reply was, "I don't know, but I saw myself 2,000 barrels at Laguyra, ready for exportation to the United States, each barrel holding about 8 cwt." He also added, that that was not the total amount of the quantity exported. "Oh! but," said the gentlemen on the other side, "that was all the produce of slave labour, and there are no such things as free labourers in Venezuela." Well, Mr. Adams was asked: "Is there any such thing as free labour in Venezuela?" And he replied: "I never saw it." He was then asked, "do you know what means Admiral Fleming had of obtaining information upon that point?" And his reply was "the very best means of information, for he mixed with all the first society of the country; and if he says that there was sugar grown there by free labour, I give up my authority at once, for I admit his evidence to be better than mine." He was then asked if he knew whether there had been any emancipation of slaves in the Caraccas? And he replied that he did not believe that there had been. He likewise stated, that he did not know whether any price had been fixed at which the slaves there could purchase their manumission: that he had had Bolivar's articles upon that point; but that he had not paid much attention to them, only reading them at his leisure, when he found them lying about his parlour. And it was upon this loose evidence that the hon. member for Middlesex ventured to impeach the testimony of the hon. Admiral—it was upon this imperfect authority that he ventured to deny the existence and practicability of free labour. He admitted, however, that the question of the practicability of free labour was yet a question to be solved; and, admitting that, he now came to the consideration of the Amendment proposed by the hon. member for Sheffield. Believing that the practicability of free labour was a problem still to be solved—feeling certain that if you fling off at once all the restraints of slavery, and leave to the slave the choice of labouring from morning to night, or of labouring only to obtain the mere necessaries of life, he would prefer a life of idleness to a life of industry—he was bound to say, that he could not acquiesce in the hon. member for Sheffield's Amendment, which tended at once to convert the slave into an unrestricted free labourer. The hon. Member, in defending his Amendment, had laid down many principles which were valuable in the abstract, but which were not at all applicable to such a state of society as existed at present in Jamaica. The question is not whether you can obtain free labour at all, but whether you can obtain it so as to keep up the same state of society as exists at present in our West-India colonies. For himself he had no hesitation in saying that he thought that the effect of emancipation, without any restriction, would be attended with the complete and certain ruin of the planter. The hon. member for Essex, in arguing against the Amendment of the hon. member for Sheffield, seemed to think that he was arguing at the same time against the plan of Government. He would not detain the Committee by pointing out the absurdity and inconsistency of that notion. The hon. member for Essex al o said, that whatever the hon. member for Weymouth required the Government to do, that the Government was found most anxious to perform. Now, upon this very question the Government was at issue with his hon. friend the member for Weymouth; for his hon. friend wanted the Government to give the negroes that which the Government could not consent to give them—namely, immediate and unrestricted emancipation. The hon. Member also protested against the rashness of Government in proposing a plan which must throw the West Indies into a state of confusion, and called upon the Administration to adopt a moderate and gradual scheme of emancipation. The hon. member for Essex had also accused him of presumption in bringing forward this question. He had brought it forward, he could assert, under a full knowledge of his own inability to deal with it as its importance merited, from want of information on colonial subjects; but he would ask, was not the consideration of the question forced upon the Government by the almost unanimous voice of the people of England? And, being so forced upon it, was he from mock-humility to shrink from coming forward as the organ of Government to support a plan which was not his plan so much as the plan of Government? But then the hon. member for Essex had taunted him with the financial difficulties which his rashness must cause to his noble colleague the Chancellor of the Exchequer. Now, he appealed to the House whether he was a man likely to lead his noble friend into difficulties of that kind? Rash as he was, he had never been rash enough, when there was only a surplus of 500,000*l.* to vote for the reduction of 5,000,000*l.* of taxes. Talk of rashness and precipitation indeed! But he begged pardon—there was no rashness, no precipitation in the proposition to which he had alluded—it was a proposition long considered and often deliberated upon. Rash as he was he had never come down to the House and stated that the time was now come for a scramble, and that every man should now make the best bargain that he could for himself.

Mr. *Baring:* I never said so.

Mr. *Stanley:* I am in the recollection of the House.

Mr. *Baring:* I must insist on not being thus misrepresented. I never said one word about a scramble. I should have been ashamed of myself if I had. It was no proposition of mine to reduce the Malt-tax, but seeing that there was, as it were, a sort of scramble to get rid of taxes, I felt that if it was my duty to stand forward in behalf of my constituents, and to protect them from those taxes which pressed most heavily upon them.

Mr. *Stanley:* I am happy, that the hon. Gentleman has corrected the impression which, in common with many of the Gentlemen around me, I had conceived of what fell from the hon. Member on a former occasion. I think, however, that the expressions which he then used were as liable to misconstruction as those of mine, which have been so shamelessly misconstrued. The hon. Gentleman's words were "Now the scramble has begun." I am glad that he has explained them by telling us that he meant a scramble for the repeal of taxes, and that he only intended to signify that he felt it to be his bounden duty to get rid of those taxes which pressed most heavily upon himself and his constituents. But even this will not get him out of the scrape into which his vote on that occasion has plunged him—even this will not rescue him from the imputation of having attempted to destroy the credit of the country; for if he and his friends had succeeded in their project, we should not have seen his favourite barometer of public prosperity, the three per cents, up at ninety-one, as they now are? Though the hon. member for Essex, (the right hon. Secretary proceeded), thought that a gradual emancipation of the negroes would be better than the plan now proposed by the Government, he was glad to find, that hon. Members did not think their plan altogether desperate. The hon. Member admitted, that the effect of the Government plan upon the negroe would be, that he would be well-fed and prosperous, and happy and contented. That was some consideration; but the hon. Member added: "I don't think that this plan will produce bloodshed; but if you take away from the planters the compulsory growth of sugar, you will produce diminution in the revenue, distress in the shipping interest, distress in the manufacturing interest, and so on." Now, in this part of his argument, the hon. Member assumed the great point in dispute, namely, that the plan would destroy the growth of sugar, for if it had no such effect what became of all his long and terrible train of national misfortunes? "But," said the hon. Member, "in your opening speech, you only considered the loss which this plan of yours would inflict upon the planters." Now, the very first sentence which he had uttered was intended to call the attention of Parliament to the various interests implicated in this question. If the growth of sugar were destroyed, he admitted that all the evil consequences which the hon. Member had predicted might ensue. It had been remarked, that your "if" was a great peacemaker, but in this instance it was the maker of all the difference. The growth of sugar would not be destroyed, for the Government plan was, that every planter besides receiving pecuniary compensation, should, for twelve years, have the compulsory labour of his slaves for seven hours and a-half in every day. Now, this was not the abolition of slave labour. He admitted, that on some estates it would be an increase of expense, but it was for that very increase of expense that the compensation was given, for if the planter received the same income as before from his estate he would have no right to compensation. However melancholy the lamentations had been respecting the West-Indies having no Representatives in that House, owing to the late change in its constitution, he must say, that they had no reason to complain of the manner in which their interests had been defended on this occasion within those walls. He had never listened with greater pleasure to any speech than he had to the speech of his hon. friend, the member for Newark (Mr. Gladstone), who had stated in his first address to that House, his views of this question, with a calmness, a clearness, and a precision, which might operate as an example to older Members. He had never seen greater ability and ingenuity than that with which his hon. friend insinuated that we ought to make a gift of 20,000,000*l.*, and a loan of 10,000,000*l.*, to the colonies. Letting that pass for the present, he was happy to have his testimony to this point—that from bloodshed, from turbulence, from the cessation of the cultivation of sugar estates, from the ruin of the shipping interest, from the ruin of the manufacturing interest, we had nothing to fear in consequence of this measure. "The measure," said his hon. friend, "is a great experiment, but I come here to carry it into effect as laid down in the first Resolution." It then appeared that the parties most interested were willing to run the risk, on certain pecuniary considerations, of carrying this great and important experiment into effect. But, as men were not, generally, disposed to forward any measure by which their lives would be endangered, their property risked, and the whole country plunged in blood, it was only fair to conclude that the present propositions, if properly followed up, might be carried into safe and satisfactory execution, and that there was a possibility—nay, a probability—of the successful conversion of the labour now obtained from slaves into the labour of freemen. The Amendment proposed by the hon. member for Lancaster did not appear to him to be very important; but if pressed to a division he should vote against it, inasmuch as it went to curtail the freedom of all children under six years of age, whose freedom it was impossible could be accompanied with any danger. The noble Lord, the member for the county of Northumberland, had expressed a wish that the third Resolution might not be pressed at present, because he could not assent to its principle. He feared, however, that delay would not have the effect of removing the noble Lord's objection, at the same time it was desirable, both as regarded the interest of the planters and the negroes, that Parliament, while it declared its intention of taking the bonds off the slaves, should fix a period within which their own improvidence or indolence should not debar them from subsistence. He, therefore, did not think, that the principle of apprenticeship could advantageously be abandoned; and he was surprised to find the hon. member for Weymouth in the rank of the opponents to this part of the measure. In 1824, that hon. Member thus expressed himself: "The people of England, if I have any knowledge of their character, will see, that something effective is done in fulfilment of the pledge so publicly and so sacredly given by Parliament. They will not ask for immediate emancipation; we have never contended for that; for we know that immediate emancipation would be ruinous, not only to the master, but to the slave; but they will insist on such steps being taken as shall at some period—and that not a very remote one—lead to the extinction of slavery.* The plan proposed by Government was entirely in accordance with these sentiments. It did not propose entire and immediate emancipation, but emancipation under certain restrictions and regulations; and his Majesty's Government were taking those steps, called for by the people, which would prevent ruin to the slave and to the master, and tend to the extinction of slavery at no distant period. His noble friend had argued, that the original reason for proposing the system of apprenticeship no longer existed, inasmuch as it was not now intended that the negro should be compelled to purchase his freedom by his labour during a period of twelve years. So far the noble Lord was right; but he begged leave to remind him that there was another very important reason for the provision respecting apprenticeship—namely, to secure a probationary interval between absolute slavery and absolute freedom; during which, his absolute necessities being supplied, a large portion of time was left him to better his condition and improve his situation in life; and during which the great experiment might be tried, whether they could trust safely and satisfactorily to the free labour of any large body of negroes? He was ready to admit, that there was nothing magical in the precise term of twelve years; and in the Act of Parliament founded on those Resolutions he should not attempt to fix twelve years as the *minimum*, but as the *maximum* of the period of probation. He would gladly consent to a shorter period if it should be the opinion of the colonial Legislatures, to whose management he wished to leave as much of the details as he could, without endangering the success of the plan, that a shorter period might advantageously be fixed upon. He could not subscribe to the wisdom of the suggestion which had been thrown out, that the best course would have been to have abolished slavery bit by bit. Nothing could be more fraught with danger, or more certain to lead to insurrection, than raising Demerara, Berbice, and other colonies to a state of freedom, while Jamaica was continued in a state of slavery. The right hon. Gentleman, in conclusion, stated that he entertained considerable hopes, more especially after the expression of the opinion of those most immediately connected with the West-Indian interest, that the predictions of the hon. member for Essex would prove as false with regard to the present great experiment as they had turned out to be with regard to another important measure; and he had no doubt, that he should have an opportunity of congratulating the hon. member upon seeing this plan safely and satisfactorily carried into effect, with credit to the country and with security to the colonies.

---

* Hansard, (new series) x, p. 1133.

Mr. *Fowell Buxton* wished to declare his opinion, that if once they abolished the despotism of the whip, they must supply its place by a system of encouragement, or they would fail in their object. If they did not hold out an inducement to labour, they would have no labour: there was no medium between the system of the whip and a system of wages. He should undoubtedly feel it to be his duty to oppose that part of the plan which established apprenticeship. He would cheerfully vote for any sum of money as compensation, provided he obtained for it substantial freedom for the slave; but he would not vote a single farthing if it was determined to enact that the slave should be bound to an apprenticeship of twelve years.

Mr. *Hume* denied, that he was influenced by any desire to delay the emancipation of the slave; nor was it fair to charge him with neglecting to call for inquiry on this subject. He had proposed an inquiry, and it was at the request of the Government itself, that he consented to withdraw the proposition. The hon. and learned member for the Tower Hamlets had said, that he had pledged himself against slavery in general, but that he objected to abolition in detail. But what had the hon. and learned Member himself done? He had made promises to his constituents in detail, and now that he was in Parliament he endeavoured to escape from them by general declarations. He had as good a right to attack the hon. and learned Gentleman as the hon. and learned Gentleman had to attack him. The right hon. Secretary for the Colonies, he would repeat, had been guilty of an error in stating, that the sugar-cane was not cultivated in Venezuela until after the abolition of slavery: it was extensively grown as long back as 1809.

Sir *Robert Peel* was, on the whole, inclined to give his assent to the second Resolution, because he considered, that the safest step to the ultimate abolition of slavery would be to declare that the children of slaves hereafter born should be free. He had no objection to that part of the plan which gave freedom to the children of the slave at a certain age, for he admitted that it would be a great consolation to the slave to find that his children were not to share his slavery. Therefore, having passed the first Resolution, he was ready to adopt the principle of the second. All that he doubted with respect to it was the risk incurred in the immediate emancipation of the child. It would take away the interest of the master in the child; and though the attachment of the parent would still remain, it was doubtful whether that would in every case be found sufficient for the due protection of the child. He would rather leave this as a matter of regulation for the Colonial Legislatures. He would, therefore, give his support to the second Resolution, and negative all the amendments which had been moved to it; but he would not do so if the third were to be joined with the second. He thought that the third ought to be a matter of separate discussion. He would also suggest that the Resolution respecting the emancipation of the children should run thus:—"All children born after a time to be named in this act." This would not tie down the House but would leave the matter open for future consideration.

Mr. Hume's Amendment negatived without a division.

Mr. Buckingham's Amendment was withdrawn.

Mr. Patrick Stewart's Amendment was negatived.

Sir Robert Peel moved, that all children born after a time to be named should be free, which was also negatived.

The Original (second) Resolution was carried; the House resumed;—the Committee to sit again.

HOUSE OF LORDS,

Monday, June 10, 1833.

Minutes.] Papers ordered. On the Motion of the Duke of Richmond, an Account of the Number of Parishes in each County in England and Wales in which the Magistrates in Petty Session have approved of a Plan agreed to by the Vestry for the Employment of the Poor.

Bills. Received the Royal Assent:—Soap Duties; Starch Duties; Dramatic Authors; Savings Banks Annuities.—Read a second time:—Consolidated Fund.

Petitions presented. By Lords Suffield and Dinorben, from several Places,—against Slavery.—By Lord Dundas, from several Bodies of Dissenters, for Relief with regard to Marriages, Registration, and Church Rates.—By the Earl of Rosebery, from the Ship Builders of the Ports and Creeks of the Frith of Forth, for Equalizing the Duty on Timber; from Dumfries, for Poor Laws to Ireland.

HOUSE OF COMMONS,

Monday, June 10, 1833.

Minutes.] Papers ordered. On the Motion of Mr. Hughes Hughes, the Amount received under Prosecutions by the Legacy Duty Office for arrears of Duty, &c., in each of the five last years.—On the Motion of Mr. Stewart Mackenzie, Copies of the Proceedings of the East-India Company, and of the Correspondence between the President of the India Board, and the Chairman, and Deputy Chairman of the Court of Directors, subsequent to the 25th March last, respecting the East-India Company's Charter.—On the Motion of Mr. Tooke, an Account of the Sums paid in 1832 to Officers retired from Civil Service on the sole ground of Age or Infirmity, with other circumstances concerning them: also of the Gross Annual Amount of Stamp Duties paid on admission of Attornies, Solicitors, &c., in any Courts in England, from May 7th, 1819, to October 10th, 1828.—On the Motion of Mr. F. Baring, a Copy of the Letter from the Chancellor of the Exchequer to the Commissioners of Inquiry into the Poor Laws, dated 23rd of February, 1833, and of the Answer returned by the Commissioners: also an Account of the Number and Amount of Annuities granted by the Commissioners of the National Debt, and the Names of such Annuitants as have died: also the Debtor and Creditor Account of the Bank of England, between the years 1790 and 1829.—On the Motion of Mr. Alderman Wood, an Account of the Export and Import of Malt, and the Duty paid on it, into and from Ireland; and the Quantity distilled there.

Bills. Read a second time:—Militia; Ballot Suspension; Burgh Magistrates (Scotland).—Committed:—Stamp Duties.

Petitions presented. By Lord Molyneux, from Burtonwood, for the more equal division of Church Rates in the Parish of Warrington; from Liverpool, and one other Place, for an Alteration of the Law relative to Catholic Marriages.—By Mr. Childers, from Soham, for the more Easy Recovery of Small Debts.—By Major Beauclerk, from Horsham, against Tithes and Church Rates.—By Mr. Wilks, from Boston Public Library, against all Taxes on Knowledge; from a Parish of Canterbury, for Relief from Taxation; from two Places, for a Law to promote the Better Observance of the Lord's Day; from several Dissenting Congregations for Redress of their Grievances.—By the same, and by Mr. Bannerman, from four Places,—against Slavery.—By Mr. Andrew Johnston, from St. Andrew's, against the Alterations in the Royal Burgh (Scotland) Bill made in Committee.

Charge against Sir Thomas Troubridge.] Mr. *Cobbett* rose to present a Petition, which he considered of high importance, containing, as it did, charges of a very grave and serious nature against an hon. Member of that House. The petition was from certain electors of Sandwich, complaining that Sir Thomas Troubridge had, by means of a forged copy of the registry of his baptism, and a false certificate of his age, fraudulently obtained his commission as Lieutenant, Commander, and Captain, before he was even qualified, according to the King's Orders in Council, to be a Lieutenant, thereby feloniously obtaining the pay of the said commission, and the half-pay of Captain, the amount of which was between 5,000*l.* and 6,000*l.* Another charge was, that, from those undue promotions, he had, unlawfully, filled the office of Judge on Courts-martial without a legal commission. The petitioners, therefore, prayed that an investigation should be instantly ordered by the House; and, if the charges were found to be true, that the accused should be expelled the House, as an unfit and improper person to take part in the legislative business of his country. He (Mr. Cobbett) did not say that the allegations were true; no—he bound himself to no such thing—he only did his duty in presenting the petition. At the head of the signatures to the petition was the name of Captain Owen, whom he (Mr. Cobbett) had made a point of seeing on the subject, and who stated his earnest wish that the petition should be presented, and had given him (Mr. Cobbett) his reasons for signing the petition in writing. They were as follows:—'I am just informed by 'Mr. Edwards, that you have at length 'given notice of your intention to present 'the petition from Sandwich, which I have 'signed, on Wednesday next. It is due to 'you in the task you have undertaken 'against, I fear, a decided feeling to resist 'the immediate reform of corrupt favourit'ism, too long cherished in practice, that I 'should acquaint you with my motives for 'signing that petition, if these should be 'called in question, as perhaps they will 'be. Naval officers being so decidedly 'subjected to the will or caprice of the Ad'miralty, the affixing their names to any 'document which may not be pleasing to 'the Admiralty is, it must be acknowledged, 'a bold measure, and can only arise from a 'conviction of the propriety of the act on 'just principles, since it risks the favour of 'those to whom they are subjected. That 'the petition you are about to present will 'not be agreeable to the Government, or, 'at least to the Admiralty, may be supposed 'from Sir Thomas Troubridge having been 'nominated by them as their candidate for 'the borough from which the petition 'emanates; and as mine is the only 'signature of a naval officer to it, my 'worldly interest is not likely to be be'nefited by it, nor my professional hopes 'encouraged. I must, therefore, have 'supported the prayer of the petition on 'principle. The practice complained of has 'indeed too long disgraced and degraded our 'naval service; and it is solely in the hope 'of putting a final stop to such atrocious 'wrong, that I have lent my name to the 'petition; this is my professional reason. 'My political motives are, that Sir Thomas 'Troubridge came forward as a Reformer; 'that is, as pledged to the reformation of 'public abuse. If, as we contend, his own 'history furnishes an instance of the gross'est abuse of authority, or imposition on 'it, must he not have been imposing on his 'constituents? I conceive, that benefited 'as he has been, and still enjoying the 'fruits as he is, of the most flagitious and 'corrupt abuse of power and patronage, he 'must at least have been insincere. There'fore, I was but fulfilling a public duty in 'signing the petition as a freeman of the 'borough. The great wrong done to the 'naval service, and to the public, by the 'species of wrong complained of is, that 'children attaining high rank by corruption, 'intrigue, or particular favour, in prefer'ence to men who have run the career of 'regular service, they not only become 'pensioners on the State, at the highest 'rate for many more years than could be 'calculated on by the nature of the profes'sion, and laws for its administration, but 'the very wrong done enables them to 'obtain the most confidential situations, 'and to obtain even the government and 'management of the service they have 'abused. How can such people be expected 'to administer righteously, who obtain 'their power and rule by manifest wrong? 'The whole history of our service, past 'and present, would furnish an ample 'commentary of the mischief done to the 'profession and the country by such mal'practices as those complained of in the 'petition.' The hon. Member continued, it was not so much to the charge of favouritism that he called the attention of the House, as to that of fraud, for fraud was directly alleged. It was a fraud that the hon. Baronet should, if it were true, have received his pay, and exercised his power for so many years. Many of our naval losses might be traced to the improper promotions which had taken place. Captain Dacre, for example, whose ship was taken by an American frigate, after an action of twenty or twenty-five minutes, had been made a Captain at the age of seventeen or eighteen; and most of our losses in the last American war could be traced to such practices. A man had recently been deprived of his franchise for antedating his certificate; and he knew not why the same justice should not be meted to officers who had committed the same fraud. He would leave the Reformed House of Parliament to deal with the petition as it thought fit.

Sir *Thomas Troubridge* spoke as follows: I trust, on so serious and grave a charge being brought against me, the House will allow me to occupy a few moments of their time in explanation, and I hope I shall be able to show to their satisfaction, that this petition arises solely from private disappointment in an election contest, and not from any public motive whatever. To explain this, I beg to state a few facts that occurred at the last election for the borough which I have the honour to represent. On the dissolution of the last Parliament, a person by the name of Edwards, totally unconnected with Sandwich, went down to that town, and, assisted by Captain Owen, applied to the Mayor and Jurats for a warrant to arrest me on a charge of having fraudulently obtained money on the high seas, his charge being, that my being promoted at an earlier age than specified by an Order in Council, all the pay I had received was fraudulently obtained, and that Sandwich being a cinque port, had jurisdiction over the high seas, and therefore the warrant ought to be granted. The Mayor refused to attend to this till the election was over, and, the day after I was elected, the Mayor and Jurats were summoned to hear Mr. Edwards's charge. He, however, withdrew it altogether. I should also state, that he applied to the neighbouring Magistrates, who, though politically opposed to me, would not listen to such a measure. I think this will convince the House that the subject was brought forward for electioneering purposes only. It could not be on public grounds, for in 1806, an Order in Council was issued, regulating the age and servitude to obtain promotion. In obedience to this order, I was myself obliged to wait till I had served the specified time as Commander, before I could be promoted to a Post Captain, and in no instance has this Order been deviated from. I served my full six years as Midshipman, and passed my examination for Lieutenant; and though I was promoted at an early age, such was the known practice of the service at that time, and I here state, without fear of contradiction or controvertion, that a very large portion of the most distinguished Admirals and Captains the naval service can boast of, were promoted under exactly the same circumstances as myself. Twenty-eight years have now elapsed without my hearing one word of this charge, which I think will itself show the House the real motive for its now being brought forward. With respect to having sat on Courts-martial, I never did sit on any Court-martial till long after I was of age. There is one point which I deeply regret, and that is, that any brother officer (well knowing the practice of the service to be as I have stated it) should have signed this petition. The individual who has done so is Captain Owen, brother to the gallant Admiral Sir Edward Owen, my unsuccessful opponent: though I must here do justice to that gallant Admiral to say, he has in the most unqualified manner, disclaimed any participation in this affair. I feel so satisfied that both my brother officers and this House will well know how to appreciate such conduct, that I will not say more on the subject, nor will I trust myself to make any remark on the other signatures to this petition, or on the hon. Member who has presented it. I shall now, Sir, leave this case in the hands of the House, with the perfect confidence, of an honourable man, that they will neither believe me to be a felon, as stated in the petition, nor unworthy, from any conduct of mine, either public or private, to hold the commission of my excellent King or to be a Member of this House. [The hon. and gallant Member, amidst loud and continued cheers, immediately retired.]

Sir *James Graham* said, that after the very satisfactory explanation which had been given by the hon. and gallant Baronet, it might be perhaps considered almost unnecessary for him to say a word. But standing in the relation which he did to the gallant service to which the hon. Baronet belonged, he should consider himself wanting in duty to the public, if he did not address a few words to the House. It was true that the hon. Member who had presented the petition had apprized him of his intention of doing so. But he could not help expressing his great astonishment that he should have thought fit to make himself the channel of an imputation, calculated not only to deeply wound the feelings of the living, but to cast a slur on some of the greatest naval heroes that England had produced. He held in his hand a list of not less than thirty-nine naval officers who had gained their promotion under circumstances identically the same as those which had been complained of. The Order in Council of 1746 had been considered at the Admiralty as a dead letter—no notice having been latterly taken of the age of a young man previous to promoting him to a Lieutenancy. In time of war it was considered improvident to act upon the order, and young men were promoted from a midshipman to a Lieutenancy. Of the thirty-nine officers he had referred to, he would read the names of some. First was Nelson, who had obtained a Lieutenancy at eighteen; then followed Lord Exmouth, Sir Henry Hotham, Sir William Hoste, and Captain Edward Pellew, all of whom had attained promotion at very early ages. Was the hon. Member aware of the character of the individual he had attacked, or of his distinguished father? The gallant Baronet's father was the distinguished bosom friend of Lord Nelson. He was his right arm, and had never failed him in the hour of need. He had fallen in the service of his country, and was it too much to say that his son had claims on that country? The hon. Member had stated, that he had great attachment to the naval service of the country. If he had, he had certainly taken strange means of showing it. This petition, there could be no doubt, had arisen out of an election squabble. It was an attempt, on the part of an unsuccessful party, to vilify and blacken the character, and wound the feelings of his more successful opponent. As to the statement of Captain Owen who had signed the petition, that in doing so he should injure his worldly prospects, he might take it from him that, so far as he was concerned, he should not attempt to injure them; but what the House and the country might think of the morality of the line of conduct he had adopted was another thing. If a Member of that House presented a petition charging another hon. Member with fraud, he ought beforehand to have satisfied himself that his allegations were correct. No such petition should be presented, unless the hon. Member was satisfied that the charge could be made good. It was a charge tending to revile the dead, and injure the feelings of the living, and he should move that the petition be rejected.

Sir Edward Codrington seconded the Motion, which being put as an Amendment, with the original Motion that the petition do lie upon the Table,

Mr. *Marryatt* designated the petition as one arising entirely from electioneering disappointment. It ought to have been sent forward as a petition against the return of his Colleague, for its allegations went to affect his seat in that House—but then the petitioners well knew it would revert with all its expenses upon them as frivolous and vexatious.

Mr. Cobbett rose to reply, but it being past three o'clock, the debate was adjourned.

PORTUGAL—KING'S ANSWER TO THE ADDRESS.] Lord Althorp reported the Answer of his Majesty to the late Address of the Commons upon the subject of our relations with Portugal, which was as follows. "I have received with great satisfaction the expression of your concurrence in the policy which I have pursued with reference to the affairs of Portugal; and you may be assured that, continuing to act on the same principles, I will neglect no opportunity in which my power and influence may be usefully and honourably exerted for putting an end to the contest which unhappily exists in that country."

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.] The House went into a Committee on the Resolutions for abolishing slavery. The third Resolution was read as follows:—"That all persons, now slaves, be entitled to be registered as apprenticed labourers, and to acquire thereby all the rights and privileges of freemen, subject to the restriction of labouring under conditions, and for a time to be fixed by Parliament, for their present owners."

Mr. *Fowell Buxton* hoped, that it would be needless for him to disclaim any feeling of hostility towards his Majesty's Government in the course which he was about to pursue; on the contrary, he declared that no Gentleman felt more sincerely the obligations which he and those who took the same view of the question which he did, owed to his Majesty's present Government, who had placed the case of the slaves in a new position, and who had, he frankly declared, done more towards the advancement of the cause of the slaves, than any Administration which had preceded them. The hon. member for Essex (Mr. Baring), had thought it his duty to tell them on the preceding evening, that this was a subject of great importance. He was glad to have received the admonition of the hon. Gentleman on all subjects, but on this least of all, because it spoke for itself. The hon. Member had threatened the House with a revulsion in the public feeling, and that his name, with those of his friends, would be hereafter held up to execration, for having exerted themselves on this question. Now, it was to him a matter of very little importance, as to what light he might be held up in, provided that object were effected which applied to so many hundreds of thousands of his fellow men. They were told, that the consequence of the emancipation of the slaves must be to inflict an injury upon the West-India planters; and, of course, that it would occasion a great loss to the revenue. He admitted, that these were important considerations; but he was by no means sure that such reasonings would be conclusive with him, even if he were convinced of the result. He admitted the importance of these considerations, but was compelled to view the case as deeply injuring the cause of humanity. That was, in his mind, a much more important consideration than any that could be urged on the opposite side. But the hon. member for Essex, also, told the House, that if those who advocated immediate emancipation succeeded in their object, they would promote insurrections in the West Indies. No man in the House could dread insurrection more than he did; but nothing could be more certain than that such an event would take place, provided the Legislature did not immediately interfere. Again, they had been told they would lose the colonies. Now his conviction was, that the colonies would be lost if the question were left any longer undecided; and his honest conviction was, that if a Tory Government were to come in upon the express condition of protecting the West-Indian proprietors, not one of the slave colonies would remain six months in our undisturbed possession. If he could not attract the attention of the House, he would rather postpone the observations which he had to make for a future occasion; but he thought that in a case where the welfare of hundreds of thousands of their fellow-men was concerned, the subject was deserving of every attention, though he did not mean to trespass at any length on the patience of the House. His hon. friend, the member for Essex, had made it a matter of complaint against the learned Civilian and himself, that they had not stated the plans which they had discovered for emancipating the negroes. Now, he would frankly say, that they had discovered no plans, and that they distrusted any and all plans which did not go to immediate emancipation. It was asked, what, in case of emancipation, was to make these negroes work? He would ask, what made other people work? and he would say, wages and free labour. Then the hon. member for Middlesex brought another case before the House, and the hon. Member had said they were foolish philanthropists; that they were attending to a minor case (a case in which only 800,000 persons were concerned though); whereas, said that hon. Member, "I tell you of the soldiers of this country, and the punishment which they receive." Now he would say, that of all exaggerations which he had heard, even from the hon. Gentleman himself, the greatest was that in which he stated that 458,000 lashes had been inflicted in one year.

Mr. *Hume* said, he had taken his information from an official document; and, if the assertion he had made was incorrect, the Return was the source of the error.

Mr. *Fowell Buxton* said, if the hon. Gentleman asserted this fact, he could not question his authority, and therefore he (Mr. Buxton) must be wrong, and the hon. member for Middlesex must be right. That hon. Gentleman, however, thought he was proceeding upon a general principle when he contended for the abolition of flogging in the army, stating, that one in seventy-nine soldiers were flogged. Even allowing that average calculation of flogging in the army to be correct, what would the hon. member for Middlesex say when he was told that on an average one in three of the negro slaves was flogged, not by law, but often capriciously and always arbitrarily? Yet the hon. Gentleman had said, that they were "straining at gnats and swallowing camels." Then the hon. member for Essex brought forward his proposition, and told them, that they had a great deal of well-meant zeal amongst them, but that those who advocated the abolition of slavery wanted understanding; and the hon. Member told them that if they had gone to him he would have advised them to have had a sprinkled system of slavery and freedom throughout the West Indies; that he would have in fact slavery in Jamaica, and free labour in Trinidad.

Mr. *Baring* had said, that, as it was admitted, that this was an experiment and a doubtful one, he thought it would be advisable to try its success partially; but he had never contemplated leaving a permanent state of slavery in any one of the islands.

Mr. *Fowell Buxton* had never supposed that the hon. Member could imagine a state of permanent slavery. But he had told them they were well meaning but foolish men, and he had told them to begin their plan at Trinidad, and then to try its success upon Jamaica. But Jamaica, it was clear, was on the eve of an insurrection, and the House were to decide whether the slaves there should be emancipated by the ordinary course of the law or otherwise. The hon. member for Lancaster had told the House that one great objection to emancipating the slaves was, that when they should be emancipated they would not work. Now he would proceed to show, that the slaves, on the contrary, when free, would maintain themselves and their families. The reason why they did not work now was, because they were not to be paid. The hon. member for Essex, he believed said, free labour was cheaper than slave labour; at least the member for Lancaster laid down that principle broadly, and said, free labour would be a source of as much advantage to the master as to the slave. He would, therefore, take this for granted. They said, however, that the negro was incorrigible; that he could not be induced to work. Now in answer to this he would mention a few cases. The first he should take was that alluded to the other night by the hon. member for Middlesex, of the negroes on the Winkle estate, who were placed under the directions of Mr. Wilberforce and Mr. Stephen. He admitted that these negroes had been in the worst state, and that Mr. Smith and Mr. Macaulay did everything in their power for their amelioration. And here he must say, that if the negro should be emancipated he would be more indebted to Mr. Macaulay than to any man living. He recollected the member for Middlesex coming down to the House and proposing that these very slaves should be sold to defray part of what was expended uselessly upon them, and also because they were considered a nuisance, and that they set a bad example to the non-liberated negroes of the island. He admitted one portion of the statement, that they cost the Government 15,000*l.*; but this expense was incurred between the years 1820 and 1825, when the value of their labour was so much less. Now what he complained of was, that the hon. Member should have confined himself to this exact period, and not have gone further, and inquired what had become of these slaves after 1825? If he had made such an inquiry, the answer would have been, that they were in the highest state of every species of improvement. After the year 1825, these negroes were placed under the management of an officer of the Crown, Captain Gibbs. That officer tried the experiment of task-work upon the negroes. What was the effect of that experiment? The effect, according to Captain Gibbs, was, that the negroes, working by task-work, performed more labour in six hours than they did before in twelve. But this was not all. Another experiment was tried upon them, and he wished hon. Gentlemen to pay attention to what was the result of it. Captain Gibbs said to these negroes, "You shall have wages for half your time—for the time you labour above your six hours' task-work." This experiment of wages completely succeeded, and Captain Gibbs says, that a more industrious body of men never existed than these negroes since they were liberated by his Majesty's present Government. He said, moreover, and he said the truth, that all the bad prognostics with respect to the liberated negroes were completely belied in the present instance. He would also quote the reverend Mr. Wray as an authority, to show that these negroes, who were formerly upon the point of being sold on account of their incorrigible indolence, became most industrious, and still dwelt in the same houses, and cultivated the same land as before; and that they were remarkable but for one thing—for their extraordinary industry. He would now come to the evidence of a gentleman employed in the West-Indies—to that of a manager of estates in those islands. That gentleman (Mr. Taylor) says, in his evidence before the Commons' and Lords' West-India Committees of Inquiry, that he gave the negroes, on one occasion, a remarkably hard piece of work to perform, which, at first, either they would not, or could not accomplish. In the ordinary way he found that it was impossible to get that important piece of work accomplished by them. He then said to the negroes: "When you have accomplished this work, you shall go and work for wages in the field." The very next morning, before the dawn of day, they were in the field, and they accomplished the task imposed upon them, and which it was impossible before to get them to do. They accomplished it before two o'clock in the afternoon, and then they went into the fields and worked for wages, and this they continued to do every day until the whole of the difficult work was accomplished. This was a fair case of the distinction between slave and free labour. The first day slave labour was tried, and but little work was done; the next day free labour was had recourse to, and then the task was speedily accomplished. He would quote another instance: it was taken from the copy of a despatch from Sir John Carmichael Smith to Lord Goderich. The despatch stated that 165 liberated American negroes were wrecked and landed at the Bahamas. The Council at first feared that so large a body of freed negroes thrown and let loose upon those islands would, from their supposed character, set a bad example to the other slaves on those islands. It was scarcely necessary for him to trouble the House with details to show that those fears were not realised, particularly as the House seemed impatient, and as the point did not seem to merit the right hon. Secretary's attention.

Mr. *Stanley:* I can assure the hon. Gentleman that I am paying every attention to the point.

Mr. *Buxton:* In the beginning, the planters said a great deal about what was to be feared from having a body of free and reckless negroes mixed up with those that were not freed. But what was the next account of them? It was given in the following year in the dispatch before mentioned, dated February 5th, 1832, and addressed to Lord Goderich. It said: 'Your Lordship will be glad to hear, that 'the 165 American slaves wrecked recently 'upon the island of Abaco, and about 'whom such apprehensions were expressed 'by the House of Assembly of these 'islands, are a most quiet, industrious, 'and orderly race of people. It might 'have been reasonably anticipated, that in 'such a number of labouring people some 'bad characters were to have been found. 'It is, however, a fact highly to their 'credit, that not one of them has been 'brought before the police Magistrate, or 'been committed to the gaol or workhouse. 'They are all gaining their own livelihood 'by honest industry, and upon all occasions 'appear contented and grateful.' Lord Goderich, in his answer to the above despatch, said, 'I have perused with par'ticular satisfaction your account of the '165 Americans who are settled upon the 'island of Abaco. The success which 'has attended this measure is most 'creditable to your exertions in forming 'the settlement, and to the settlers 'whose subsequent conduct you have 'so highly extolled.' Now, he maintained that all this was what would follow generally the immediate liberation of the slaves. There was another case he would mention. It was one founded on the best West-India evidence—that the slave, however he might work or not work for his master, was very industrious when he worked for himself. Evidence of the same description was given forty years ago, in answer to questions from Government, that the slave, when he was allowed to work in the afternoon for himself, would do more work in that portion of the day, than he would during the whole day, if he laboured for his master. He considered this a point of great importance, and one that should be attended to by Commissioners sent out to the colonies to inquire into the character of the negro. The slave, on the Saturday morning, when he worked for his master, would be found by him idle; but on the Saturday evening, when he worked for himself, he would be found very different. He would be found extremely industrious, and that he extended his labours far into the night; for no sooner was the sun gone down, than he would be found carrying the produce of his toil to market, and this, too, after a week of tropical labour. The load he would carry on his head to market, would be heavier than that which any planter would ask of him to bear. He stated these facts on the authority of Mr. Wildman and Mr. Scott, both West-India planters. How far would the House suppose the negro on the Saturday night carried those heavy loads? Why, ten, twenty, and sometimes thirty miles. This last fact he stated on the authority of Mr. Simpson, a West-India planter. Were this the result, as some supposed, of necessity, or from hunger? No such thing. This was distinctly denied by the witness. The slave, then, it appeared, laboured thus hard to procure, not food, but the gratification of artificial wants. The load that no force, no fear of the extremest severity could induce him to lift, the hope of gain, that powerful stimulus to men even in civilised life, and the desire to procure for themselves comforts and luxuries, made them cheerfully lift and carry, to the astonishment of their employers, many miles. Nay, more, it was in evidence stated by Mr. Smith, that to procure these luxuries through the medium of task work they wrought so hard that even in some cases their health was impaired and their life endangered. "But (said the anti-abolitionists) the negroes are too careless, too wasteful, and don't know the value of money enough to be trusted to their own guidance." What, said Mr. Shaw? "No one was more aware of that value than the negroes." Another alleged, "Oh, the negro is so extremely stupid." What said the witnesses one and all, Captain Williams, Mr. Shand, and Mr. Wildman? Why this —that the negro can generally drive a better bargain than his master. But was any of all this evidence new? Was it not in evidence forty years ago, that the negroes were most alarmingly given to luxurious living and showy dress? The answer of the House of Representatives of Grenada to the queries sent out by the Privy Council was, that they were so much given to excess in these particulars, as to create often alarm in the white population as to the consequences. But to return to later times. On an examination by a Committee, when the brother-in-law of the hon. member for Middlesex was present, the evidence laid before it was, that the practice of giving balls on all the estates prevailed, when they regaled themselves with roast pig, roast fowl, and caper sauce, fruit, rum, claret, sugar candy, syrups, as much as they chose to consume; that they danced and enjoyed themselves till morning, during fifteen or seventeen hours; and the women changed their dress as often sometimes as thrice in the course of the night, wearing ear-rings, bracelets, necklaces, and made a multiplied use, no doubt to show their taste for elegant life, of the articles, shoes and stockings. If they were so disposed, why ought we to despair of the negro having enough desire to acquire now not only necessary articles, but luxuries and ornaments by his labour, if free? As well might it be questioned that an engineer who could calculate the force of one engine and of another separately, would not be able to tell the sum of both forces put together, as that the negro's industry should not be valuable in proportion to the new stimulant thus given to his exertion. When the man would thus work till night and through the dead of night, so as to endanger his life sometimes from his exertion, was it improbable that if they gave him hope, that stimulus with which he was now so little acquainted, that they must restrain the stupid negro lest he should work himself to death. Observe the effect of the present motive—the power of fear; under its impulse, the load described by the witness alluded to, was too heavy to lift, and more extraordinary, too heavy for his master to think he ought to bear; under the new power, or new motive—that of hope—he lifts it without complaint—nay, carries it for miles! Thus all the week working for the master, he is a sluggard, because without wages—whilst on Saturday afternoon he is quite active, and performs giant feats of strength. Why? because he toils for recompense. It was the wondrous power, the enlivening influence of hope which carried the efforts of the body along with the yearnings of the mind. So thought the great authority on these subjects (Mr. Burke) who said "Not only will you command, by the slave's emancipation, the sinews and bodily strength of the man, but you will have an influence over the mind, which, believe me, goes a great way in things of this kind." But he would quote, in corroboration of his opinion, the statement of a statesman as high as the last mentioned light of the Senate, he meant Mr. Pitt, who stated his conviction that "the condition of the slave deprived him of the motives, and degraded him from the high and independent feelings of mankind, and, by placing him in the order of brutes, rendered him the lowest of the human species." It was, therefore, upon the whole, clear that, in proportion as the negro felt he was to receive his equivalent personally for his labour, that labour was the more productive. As to the question of the slave being appointed for twelve years, or even a shorter period, he felt the greatest objection to it, because he considered it nothing more than a continuation of slavery for so long. This the Government, however, denied. If it were not, what was it, or why not abolish the continuance of this subjugation altogether? The cart-whip, he could understand as a power—as a stimulus to labour—so could he comprehend the inducement of wages. But if he understood the principle of the right hon. Gentleman's measure, it was neither whip nor wages. What was to become of the negro in his new state—who had neither fear nor hope as his motive? How was the master to obtain his labour, when both these strong inducements were put out of sight. This was a principle, he confessed, after the evidence they had had, he could not understand. If he could, it would, he assured the right hon. Gentleman, have given him pleasure, as it was not his wish to thwart unnecessarily the objects of Government in the proposed change of system. As he was thoroughly convinced that there would be plenty of labour when there were wages and fair remuneration for it, he was disposed to show his sense of the third resolution at once; and, without manifesting thereby any fixed opposition to Government in this instance, he should attempt by his vote to put a negative upon this resolution.

Mr. *Frankland Lewis* said, that the high tone, a tone by no means becoming on such a subject, which pervaded the hon. Member's speech, was calculated to discourage other hon. Members from expressing their individual opinions with regard to it. His Majesty's Government justly spoke with authority upon the matter, but the hon. Member with an *ex-cathedra* tone which only accident had given him, said "We think so and so; his Majesty's Government may hold one opinion, but we hold another," and he lectured the hon. member for Essex for presuming to give them his advice, and he also lectured the hon. member for Middlesex, whose labours he honoured, though he could not often agree with him in his objects. He would not thus early have solicited the attention of the Committee, but for the purpose of showing the hon. member for Weymouth, that even so humble an individual as he was, was not to be deterred by the tone which that hon. Member held from stating fearlessly and openly his sentiments upon this subject. He was anxious, then, to state, that having listened with attention to the speech of that hon. Member, from the beginning to the end of it, he must say, that the hon. Member had altogether failed to remove those doubts which, in his mind, surrounded this gigantic question. He was one of those who had listened with anxiety and with the early dawnings of hope to the celebrated speech delivered by the late Mr. Canning on this subject. He had then hoped, that by perseverance and prudence the great object might have been accomplished of establishing under the dominion of the King of Britain, that which the history of the world did not as yet record —a civilized community of a negro population. The hon. member for Weymouth could not produce the records of the existence of any such community throughout the whole of Africa, and it was a remarkable fact, demonstrated from the remains left to us of the early temples of the Egyptians, that the civilized inhabitants there were long-haired, while the woolly-headed negroes were a degraded caste. He had listened to the speech of the hon. Member with great attention to perceive what degree of ultimate civilization it would be possible, in his opinion, to give to the negroes, with a view to the accomplishment of the great end he had already mentioned —namely, the establishment of a civilized community of negroes, but he had heard nothing satisfactory on that point from the hon. Member. He certainly came to the conclusion which the hon. Member seemed to have come to, that the cultivation of sugar would not be continued under a system of free labour. The great difficulty, in his mind, under such a system would be, how they could get the negroes to work with the hoe digging in the fields for wages, or how they would ever hope to have an amount of sugar produced sufficient to meet the enormous demand of this country. That was the great point of difficulty —a difficulty, by the way, which the hon. Member had not got over. When Mr. Canning first decided on the emancipation of the slaves, that had inspired him with hopes, that in a certain time that great object would be effected; and when his Majesty's Ministers now proposed that emancipation, he was ready to give his support to the principle of the plan. He was not one of those who placed implicit confidence in Ministers; he supported them with pleasure when he could; but when he found it his duty, he had never any hesitation in opposing them. As the slaves must now be emancipated, the responsibility must rest with his Majesty's Ministers of carrying the details of the measure into effect. He therefore gave them his support as a matter of confidence, for though he had many faults to find in detail with the mode of bringing about that important object—the emancipation of the slave—he did not think that they were sufficient to justify any man in placing difficulties in the way of Ministers in carrying them into effect. He feared, that the plan would fail in its details, but he, for one, would throw no impediments in the way of its success. It was said by the hon. member for Weymouth and others, that if the consequence of the emancipation of the slaves should be, that sugar would not be cultivated, the slaves, at all events, would be placed in a happier and better state. But they should not confine their views solely to the slaves in the colonies connected with this country—they should look a little further, and at any rate they should not conceal from themselves this plain fact, that if, under a system of free labour and wages, a supply of sugar should not be raised in our colonies sufficient to meet the demand of this country, the effect would be the extension of slavery in colonies where the British Legislature could not step in with their humane regulations to alleviate its evils. There would, undoubtedly, be a supply of sugar raised proportionate to the demand for it in this country, and if our own colonies did not produce sufficient, it would be supplied from the colonies or dominions of some other state, at the expense of the negro population employed there. If the cultivation of sugar could be ensured under a system of free labour, he did not see the necessity of the system of apprenticeship; and if apprenticeship was necessary, he did not see how they would be able to get the planters to carry the thing into effect. If, for instance, a planter should get 20,000*l.* as compensation for an estate valued at 40,000*l.*, was he not very likely to bid good-bye to the plantation altogether? And then let the House see the state in which the colonies and the country would be placed. He had stated these difficulties in the way of carrying into effect the details of the measure, but at the same time he would vote for the principle of it.

Mr. *Hill* said, that as to the immediate emancipation of the negroes, he would honestly avow, that he had felt the greatest difficulty in the consideration of that subject, for though he had approached it under the impression that, as slavery left its marks not only on the body but on the mind, some preliminary steps were required previous to the complete emancipation of the negroes, yet, on further consideration, he found that gradual emancipation had to the full extent its dangers as well as immediate emancipation, and that, in fact, the subject was surrounded with dangers on all sides. The only way, then, that they had of extricating themselves from the difficulties with which they were surrounded was to go into some unknown and untried path. He thought, that the hon. member for Weymouth had shown satisfactorily that steps might be taken for the immediate emancipation of the negroes. He did not see how the plan proposed in the present Resolution of the right hon. Gentleman could be carried into effect. Under it the negroes would be too much freemen to be coerced as slaves, and they would be too much slaves to be actuated by the motives that actuated freemen. If his learned friend Sir Charles Wetherell were then in the House, he was sure that he would characterize the plan of the right hon. Gentleman as a *tertium quid* between slavery and freedom, and for his part he feared, that there would be more of slavery than freedom in it. The lessons furnished by the revolutions in St. Domingo and Guadaloupe, he contended, in opposition to the right hon. Baronet, who had referred to those cases on a preceding evening, should be lessons to the whites, not to the blacks, they should be lessons also to the colonists, by which he trusted they would profit. All the writers on the subject agreed, that all the disasters which arose in St. Domingo had their origin in the suspicions, prejudices, and cruelty of the whites. The same was the case at Guadaloupe. Referring to the question before the House, he observed, that the slave-owners in his opinion, had no right to claim compensation for what they called their property in their slaves, and if this country happened to be in a situation which rendered it unable to give them a farthing in the way of compensation, it would be still a great and imperative duty to emancipate the slaves. If slaves could be considered as property, the slave owner would be entitled not to some compensation, but to complete compensation for their utmost value. He would maintain, however, that slaves could not be considered as property. The slave-owner's argument was, "These men are my property. I have reared them as I have my horses and my cattle, and I bought their parents." In other words, "I have paid those who stole them from their native soil." The argument of the slave, on the other hand, was this, "I claim a property in my own labour, while this man, with the produce of my toil in his purse, still seeks for further compensation." He was not, however, altogether opposed to compensation, for when any class of his Majesty's subjects were overtaken by calamity, he thought the other classes were bound to step forward in their behalf; and as a principle of charity, therefore, rather than as a principle of justice, he would consent to compensation, although he thought it would be better to wait and see if the predicated misfortunes would fall upon the planters before that compensation was afforded. The amount of the distress should at least be ascertained before the amount of compensation could be determined. Though he disagreed with some parts of the plan of his Majesty's Ministers, he could not but think, that they honestly and fearlessly grappled with the difficulties in their way; and if they did not exactly meet his views on the subject, still he thought that too much praise could not be given to men who had rendered it impossible for slavery any longer to exist in our colonies. He thanked his Majesty's Ministers from the bottom of his heart, for the great service they had rendered to the cause of emancipation.

Mr. *Marryatt*, being connected with the West-Indies, heartily wished for emancipation, if it could be accomplished. The question had formerly been taken up by a party careless and even reckless of what evils they might inflict. It had now assumed a different aspect. It was in the hands of a Government responsible for its consequences. The previous vote of the Committee had narrowed the question to the best means of accomplishing the object which must be kept in view—namely, the welfare of the slave, joined with the continuation of sugar cultivation. By that alone could the interests of the proprietors, and the safety of the colonies, be effectually secured. Immediate emancipation, with a system of wages as proposed by the hon. member for Weymouth, was not calculated to promote the welfare of the slave; it was indispensable, also, for the success of the measure, that he should be for a time attached to the soil, and placed under restraint. He put it to the House, whether the slothful and degraded state of the population in St. Domingo was desirable, or one to which it would wish to reduce our slave colonies by immediate emancipation. The hon. member for St. Alban's had said much of the happy state of the slaves in the Spanish colonies, and the circumstance of sugar being cultivated by free labour; but he had omitted to speak of their moral and religious state, the result of the absence of all restraint; and he would supply the deficiency by a quotation from the hon. Gentleman's work on Mexico. He said: 'But whether freedom will have the effect 'of raising the labourer in the scale of 'civilization, is a question which I cannot 'pretend to decide. It is much to be 'desired certainly; for a more debauched, 'ignorant, and barbarous race than the 'present inhabitants of the sugar districts, 'it is impossible to conceive. They seem 'to have engrafted the wild passions of the 'negro upon the cunning and suspicious 'character of the Indian, and are noted for 'their ferocity, vindictiveness, and attach'ment to spirituous liquors. When not at 'work they are constantly drunk, and as 'they have little or no sense of religious 'and moral duties, there is but a slender 'chance of amendment.' The examples of Gaudaloupe and Hayti had been adduced in the course of this debate, by Gentlemen holding opposite opinions, for the purpose of enforcing their respective arguments. That of Cayenne, where the experiment of immediate emancipation had been tried under very favourable circumstances, he would cite to the House; and this would clearly prove the necessity of preparing the negro for freedom, by an intermediate state of constraint. He would quote a passage on the authority of Mr. Haffey, who went to Cayenne after the peace of Amiens. He said:—'In the year 1799, the slaves in 'the French colony of Cayenne were de'clared free by a decree of the National 'Convention, and instructions were sent 'out to Victor Hugo, the governor, for 'their immediate emancipation. The whole 'number of slaves then amounted to about '11,000, of whom between 4,000 and '5,000 were persuaded to continue on the 'plantations on which they had belonged 'as hired labourers; the remainder refused 'to work, and the greater part of them 'resorted to the town. Those who remained 'on the estates worked by fits and starts, 'according to the dictates of their own 'caprices; so that the planter, after having 'been at the expense of holing and weeding 'his canes, had no certainty of being able 'to take off his crop. Each negro was 'paid wages for his labour every decade. 'When any of them fell sick, they were 'left to live or die as they might; medical 'aid was not to be procured; for the 'professional men, who had been in the 'habit of attending the estates, being no 'longer paid by the proprietors, under this 'new system, left the colony to seek their 'bread elsewhere. The aged and infirm 'negroes had no resources but the charity 'of their former masters, whose distress 'soon became so great, as to deprive them 'of the means of relieving the wants of 'others, and they, consequently, perished 'in great numbers. Those who resorted 'to the town lived in a most disorderly 'and dissolute manner; more than forty 'billiard-tables were set up, together with 'grog-shops in abundance; gaming, drunk'enness, robbery, housebreaking, and all 'kinds of enormities, were practised to 'such an extent, that Courts-martial—the 'only tribunals then in force—were held 'almost every day, and executions were 'continually taking place. Nothing but 'the strength of the French garrison, and 'the system of terror maintained by Victor 'Hugo, kept the negroes so far in awe, as 'to save the white inhabitants from ex'termination. After the colony had re'mained in this state for nearly two years, 'the old order of things was restored 'by the French consular government, and 'the negroes were remanded back as slaves 'to their respective estates. A new census 'was then taken, by which it appeared 'that the negro population was reduced to '8,700, 2,300 of them having actually 'perished in that short space of time.' In arguing against immediate and unconditional emancipation, as proposed by the hon. member for Weymouth, he was not giving his concurrence to the plan of apprenticeship proposed by the Government. He was not prepared to commit himself, or the Legislature of Grenada, to any specific plan. He conceived that every detail ought to be settled by the colonists, who possessed the necessary local experience, and were best qualified to judge of the means of carrying the Resolutions into effect. He regretted, that the right hon. Secretary had, unadvisedly, by a former speech, raised up difficulties in those quarters which he would find it difficult to overcome. Regarding compensation, though he conceived it might be a question, whether, as between master and slave, there existed an equitable claim;

yet no doubt could exist that, as between the British nation and the planter, full indemnity was justly due for any loss which might be occasioned by this measure. Compensation was the key-stone of the plan; without it the measure must be a complete failure; without it the concurrence, neither of the West-Indian here, nor the Legislatures in the colonies, could be expected; and if the West-India merchants refused to incur the risk of sending out the usual supplies, and chartering the vessels, the whole of the colonies would be thrown into a state of embarrassment and distress which must prevent the plan from working well.

Mr. *Rigby Wason* began by referring to the question of compensation, to which he declared himself opposed, because, if money were given to the planters, it would be lost, without the object in view being attained. It was useless to disguise the fact; but he and every man knew, that the great mass of the West-India estates were mortgaged for more than they were worth; and if they gave money to the planters, it would only go to redeem their estates.

Lord *Althorp* rose to order. The hon. Member was speaking to the question of compensation, which was not the subject before the Committee, and would be discussed hereafter.

Mr. *Rigby Wason* would not then pursue that topic; and would confine himself to the Resolution before the Committee. He would declare himself decidedly in favour of gradual emancipation. He conceived it possible to confine the negroes to the estates, and give them adequate wages and food. How that was to be done was the principal question; and if that could be done, it would get rid of many objections. There must be, he admitted, some stimulus to labour, after the use of the whip was done away; and what could that be but adequate wages? It could not be expected that the negroes should labour without wages; and the point of difficulty was, whether the planters would have the means of paying them, and it had been said they would not, because the planters at present had no profits, and wages must be in proportion to profits. This he denied. Wages were not regulated by profits in the manufactures of this country, nor in any part of the world. They were regulated by another principle. The test or rule for wages was, he was sorry to say, in all cases, and in all countries, the maintenance of the labourer; and what would support him determined his money wages. The planter would only have to pay what was necessary to support the negroes. The wages of labour would be regulated after that by the demand; and the next question to be answered was, whether the supply of labour was equal to the demand? But it was a fact, well known to every man, that the islands were now cultivated; and though the slaves were maintained through the whole year, they did not labour above four months; at least four months' labour sufficed for the cultivation. Labour then was abundant in the West-Indies. If more than what was now in demand were not required, there was in the islands at least double the quantity of labour required. The planters, he must admit, would require assistance to pay their labourers, because money, particularly silver money, was extremely scarce in the islands. Not to give them assistance while they were exposed to all the risk, would be unfair and unjust. The plan he had suggested would obviate this difficulty. He would make the negro a party to his own emancipation. He would tell him that he should be free at the end of a certain period, if he would apply himself to the cultivation of the estate, for which he should get good and adequate wages, and should afterwards be set entirely free. The rate of wages to which they were to be entitled, should be determined by an officer sent from this country, who should have an unlimited control on this subject, and who could have no motives for doing other than justice between the two parties. He should then be disposed to give the planters an annual assistance, and he believed they would require that. He had not before broached his views on the subject, because he had waited for the returns, and he now saw that the Government had proposed such a plan to the West-Indians, and the West-Indians had decidedly and strongly objected to it. Before sitting down he must say, that he thought the hon. member for Weymouth extremely wrong in opposing the Resolution of the Government without taking on himself the risk and responsibility of suggesting any other plan. He thought that the hon. member for Weymouth should have proposed a scheme of his own, and as that hon. Member had not done so, he thought it right to throw out his suggestion for the consideration of the House.

Mr. *Slaney* observed, that he had never in his parliamentary experience approached the discussion of a question of such extreme importance as the present. He was happy to acknowledge that they were all now agreed that slavery must be abolished; they only differed as to the mode of carrying the abolition into effect. He was of opinion that they ought to look at the mode chiefly as it would affect the welfare of the slave, not disregarding, however, the welfare of the planters, nor disregarding the welfare of the manufacturers and shipping interest of this country connected with the colonies, which were of great importance. He was for emancipation, but emancipation to be successful for the negroes themselves, must not be carried into effect without previous preparation. If they attemped to accomplish it without preparation, they would not succeed in the noble object they had in view. It was proper, in considering such a question, to remember what were the motives which operated on the labourers of civilized countries. They laboured in order to obtain, first the necessaries, then the comforts, and afterwards the luxuries of life. They were stimulated to greater labour than was necessary for the support of life, in order to enjoy those luxuries which the habits and customs of the country required. What customs and habits prevailed in that class of men whose condition was under discussion, which should induce them to labour to obtain the luxuries the people of Europe required? If, indeed, there was a difference of condition among the negroes—if there were degrees of condition which might be called steps toward civilization, there might be some hopes that the experiment of a speedy emancipation might be tried with success. Among the negroes there was nothing of that kind. All these were clothed alike—all were fed alike, and among them there was none of that distinction which was the stimulus to exertion in civilized society. The negroes were not, however, destitute of that spring of ambition which belonged to other people. They were desirous, like other people, of rising in the world. To make them labour, and give them a taste for luxuries and comforts, they must be gradually emancipated, and gradually taught to desire those objects which could be attained by human labour. There was a regular progress from the possession of necessaries to the desire for luxuries; and what once were luxuries, gradually came, among all classes and conditions of men, to be necessaries. This was the sort of progress the negroes had to go through, and this was the sort of education to which they ought to be subject in their period of probation. They must be educated to habits of industry by increasing their wants. If they were to be suddenly let loose without that sort of education, he was afraid they would only indulge their love for pernicious beverage—that they would be morally degraded, and would destroy their health, rendering them a burthen both to themselves and society. A gradual emancipation, combined with means to elevate and improve their character, was the only safe course. He would compare them to children; and no rational being, after subjecting children to a strict rule, would at once indulge them with unlimited freedom. Of all other things, however, it was necessary to proceed with caution, because great interests were at stake. The plan, however, of emancipation having been proposed, he fully agreed with the hon. member for Weymouth that the Legislature of this country could not retrace its steps; but, at the same time, he thought that the proposition of the right hon. Gentleman, the Secretary for the Colonies was susceptible of improvement. It, however, might be found to work well, and by the permission of its trial in some of the islands, it might be found the work of emancipation would go quicker on than at present seemed to be contemplated, as many of the Local Legislatures, instead of procrastinating slave emancipation to twelve years, might be willing, upon seeing the manner in which the proposition of the right hon. Gentleman, the Secretary for the Colonies, worked, to effect it in eight, seven, or even six years. The House, however, in dealing with this interesting and important question, ought to bear in mind, that if a mistake was now made, it would not merely affect the great body of persons, whose future comfort and happiness was the object of the present measure, and which influenced the motives of many hon. Gentlemen, but might lead to much evil. It was on these grounds—namely, that it was now impossible for the Legislature to retrace its steps, and following the principles embraced in the proposition submitted by the Government, that he was induced to support the Resolutions now before the House. He would say, that when the momentary politics of the day were forgotten—when factious opposition had passed away, the attempt to abolish slavery would stand out in the front of history as a generous exertion worthy of the Legislature of a free and enlightened people.

Mr. *Halcombe* could not give his support to the third Resolution now under the consideration of the House, which entitled all the slave population to be registered as apprenticed labourers, subject to the service for a period now left indefinite with their present masters. Apprenticeship was not freedom. They talked of emancipation, but the slave would still be confined to one estate, and one master. He would not be allowed to choose his place of abode, nor his service. He had not yet heard any adequate explanation of this difficulty. They were at once declaring that the slave should be free, and they were continuing him in bondage. The slave, under these circumstances, would have no stimulus to labour. He would suggest the propriety of giving emancipation accompanied with regulations that should place the parties interested not in the relative condition of owner and slave, but in that of master and servant. He would also have it provided that either party should be empowered to put an end to the contract under certain conditions, as, for instance, on two years' notice being given to the masters by able bodied negroes of from twenty to thirty years of age, one year and a half's notice from those between thirty and forty years of age, and one year's notice from all exceeding the age of forty years. By these means the colonies would be relieved from the dangers to be dreaded from an immediate and extensive change. He would also suggest, with reference to the children of the slaves, the propriety of a regulation that all slave children of six years of age and upwards should continue to be the apprenticed labourers of the planters until such time only as they became of full age, when they should be entitled to the same privilege of giving notice as he had before suggested. This plan would secure to the master the complete inclination and desire on the part of the negroes to continue to labour in the same plantations in which they were now employed. He was not one of those who lost sight of the claims of slave owners to compensation, but he was equally of opinion that a provision in the shape of a poor-law or otherwise should be made for the maintenance in their old age of the superannuated slave population, which so long contributed to the fortunes and benefited their owners. A charge had been made that the slaves would not labour if placed upon the footing of free labourers; but he was convinced, from the evidence upon the subject, that the charge was totally destitute of foundation. There were good authorities to show that in St. Domingo and Guadaloupe, in 1801, when Buonaparte contemplated re-establishing slavery in these islands, the plantations were cultivated by free labourers in a manner which rendered a return to slave labour unadvisable. A deputation was at that period sent to remonstrate with the authorities in France, and to represent to them that any such measure was perfectly unnecessary. Everything in the colonies, it was stated, went on under the system of free labour with the most perfect regularity, and with the greatest advantage to all parties. Not only were the negroes of St. Domingo industrious and active in striving to secure private advantages, but they exerted themselves with the greatest efficacy for the preservation of public order. The condition of Guadaloupe was the same in this respect in 1801, as that of St. Domingo. That island contained, in 1801, 390 sugar plantations, 1,345 coffee plantations, and 328 cotton plantations, which were all in the best state of cultivation. The hon. Member then referred to the work of Mr. Ward, the Mexican envoy, to prove that sugar, as well as the tropical production, could be raised by free labour as well as by slave labour. In the Chartered colonies, as distinguished from the Crown colonies, it was found that the free labourers were the most industrious of the inhabitants. He, therefore, thought that immediate emancipation could take place with the greatest safety, accompanied by those precautions he had suggested. He did not perfectly understand the position in which the proposed measure would place the slaves—whether they were to be on the same footing as that of the free coloured population, or that of the white inhabitants of the colonies. He had no intention of finding fault with the Government plan. On the contrary, he thought that it was deserving of general approbation. His only object was, to suggest an improvement on a point upon which he thought improvement was practicable. The question after all ought not to be a mere question of compensation, although he was willing to grant the planters every compensation which might be required for the loss which would arise from the measure. He hoped they would soon see freedom established on the shores of the West-India islands as fully as on those of Great Britain. The hon. Member concluded by moving as an Amendment upon the third Resolution, "That it was expedient that all persons now slaves, and their children hereafter to be born, be declared free, subject nevertheless to such restrictions as might be deemed necessary for their support and maintenance, and for the future cultivation of the soil.

Mr. *Strickland* said, that he was sorry to see such a departure from the satisfactory state in which the question stood on the former night. Then a general disposition was manifested to lay aside all extreme opinions; and when the success of this, as the right hon. Secretary had himself, and very properly, called it, great experiment, so entirely depended, upon unanimity, the necessity of discarding extreme opinions, and uniting to render the plan as perfect as possible, must be obvious to every hon. Gentleman who gave the matter the least consideration. The Amendment of the hon. member for Weymouth would negative the Resolution of the right hon. Secretary, and thinking such a course to be most unwise he (Mr. Strickland) treated and implored his hon. friend not to press his Motion to a division. Those interested in the West Indies had set a laudable example of forbearance; and if they wished the planters and Colonial Assemblies to co-operate with Parliament, and without unanimity between all parties, the measure would be altogether impracticable, they must abandon their own peculiar views, and support the Government in carrying this mighty experiment into effect. He should support the Resolution because they would have the opportunity in Committee of limiting the duration of the apprenticeship to the shortest possible period; and he thought that gradual was preferable to immediate emancipation. The situation of the slaves throughout the colonies was by no means uniform; and although some might be prepared to receive their liberty, others were not in that condition. With respect to the hired gangs it was, he believed, absolutely necessary for the welfare of the negro to keep up the existing connexion between master and servant some few years longer, and hence it was, that he so strongly recommended unanimity in carrying this work of mercy which the Government had brought forward into effect.

Mr. *Secretary Stanley* observed, that if any one thought his Majesty's Ministers had approached this subject without a perfect conviction that it was as awful a question as could possibly be touched upon, that man knew little of the deep anxiety which they had experienced. Whatever difficulties might present themselves to the minds of those who looked even superficially on the question, they were not a tenth of the difficulties which presented themselves to the minds of those who examined it closely. The most trifling regulation might be pregnant with the most important consequences. The hon. and learned member for Hull had thanked his Majesty's Ministers for bringing the subject forward. He owed them no thanks. They were compelled to act; for they felt, that take what course they might, it could not be attended with greater evil than any attempt to uphold the existing state of things. But the responsibility which they felt they were incurring would have been greatly increased, indeed, if the violence of the one party or the fears of the other, had driven them from the course which they believed to be that most conducive to the general interest. If the House negatived the proposition for temporary apprenticeships—if they declared that as soon as the Bill became law, instant emancipation should ensue—it would be difficult to conjecture what might be the consequences. They would plunge into a state from which there could be no return. If he were prepared, like the hon. member for Weymouth, to declare that it was of no importance whether or not sugar continued to be cultivated in the West-India islands—

Mr. *Buxton* had not made any such statement. What he had said was, that if justice were incompatible with the cultivation of sugar, he should prefer justice to sugar.

Mr. *Secretary Stanley* proceeded. Admitting that the hon. member for Weymouth did not contemplate such an alternative as the destruction of the cultivation of sugar, he at least contended that in a state of freedom the negro would be physically and morally better than he was at present. He certainly was not prepared to adopt that opinion to its fullest extent. He readily admitted, that if the alternative was whether we should now enter on a system of cultivation which could be maintained only by barbarous and inhuman treatment, or abandon the commercial advantages of the undertaking, it would be a great stain upon the country to accept the former branch of that alternative. But in the present critical state of the West Indies, when interests so important were at stake, it would be perfectly indefensible upon mere abstract principles, to take a course which might derange the whole relations of society in the colonies, and hastily throw away all the advantages now existing. It had been stated, that the question was, whether emancipation should be immediate or gradual. That was not the question. From the moment of the passing of the Act, all the offensive features of slavery would at once be at an end. The right to possess property on the part of the negro would be recognised; he would be free from capricious punishment; he would be allowed to enjoy the fruits of his labour. It would be impossible to call that a state of slavery. His Majesty's Ministers had never contended that immediate and unrestricted freedom was desirable. On the contrary, it would be attended by numerous dangers. The hon. member for Radnor had expressed his doubt whether any compensation ought to be made to the planters. If the House were to determine that no compensation should be granted to the planters, they would in effect throw out the whole measure. Without proposing compensation, he could not, as an honest man, have brought the subject under the consideration of the House. The great object in view was to make the basis of the proposed change a mixture of compulsory and free labour. Nothing could be more rash than at once to let loose the whole slave population. Ask the West-India planters, and they would one and all declare, that without adstriction to the soil the negroes would be wholly unavailable. If, therefore, the House were not disposed to proceed headlong, and throw everything into confusion, by making an experiment from which there would be no possibility of return, they would adopt the more prudent course recommended by his Majesty's Ministers; not doing away all the dependence of the negroes upon their employers for protection, but depriving slavery of its most offensive characteristics. By adopting the course proposed, they would render the slave all but free—they would render him absolutely free within a limited period, the arrival of which he might hasten by his own exertions; and at the same time they would not endanger all the mighty interests which were at stake; and would diminish the great, practical, and almost overwhelming difficulties which stood in the way of arrangement. He implored all parties, therefore, to make mutual concessions and to co-operate in agreeing to the proposed plan, the details of which might be most advantageously filled up by the Colonial Legislatures.

Colonel *Conolly* should not have offered himself to the attention of the House, if, in serving his Majesty in the West-Indies, he had not had some opportunity of judging as to the evils of slavery and the best mode of relieving and exterminating it. He was as anxious as any one to see slavery abolished, but he fully concurred with the right hon. Gentleman opposite in thinking that a gradual manumission was much preferable to an immediate emancipation of the negroes. It was enough to make the human mind shrink with horror and dismay to contemplate the setting 800,000 men free from the state in which the negro population of the West-Indies now were—a condition so debased in morals and in mind that it was impossible for any one living in a country like this to conceive such a state of demoralization. There were gentlemen in this House, he knew, who, in a generous and blind zeal in the cause of freedom, were prepared at once to release from all their bonds this immense population, existing as they were in a mere animal state, with no religious restraint and no moral obligations to make them fit and responsible members of society. If the advice of these gentlemen were followed by the House he warned them that they would be blindly committing one of the rashest acts that ever would have been perpetrated by any deliberative assembly. The party who called themselves abolitionists he knew were pressing on the Government in that direction by every means in their power. The right hon. Secretary professed to inscribe upon his standard, religion, humanity, and justice. In supporting those principles, when made subservient to reason, he would yield to no man. But the abolitionists made all other considerations subservient to their own views of religion, in which he believed them to be mistaken; and to those views they would sacrifice all the best interests of the country, and inflict the foulest wrongs upon a portion of their fellow-subjects. He asserted that the principle of justice had degenerated into a mere question of compensation—an account between the planters and the state, and that the security and protection of the white and coloured population had been wholly overlooked; and that the dreadful consequences which were to be apprehended would cast a terrible responsibility upon the Government if they acted in accordance with the wishes of that party. There could be no shifting or escape from the weight of that responsibility hereafter; for he warned them now, as so many others who were well acquainted with the state of the colonies had done, that the white and coloured population, who had always shown themselves so loyal to the Throne and so devoted to the British Empire, would be placed, both as regarded their property and their lives, in a state of the greatest danger by any simultaneous and unrestricted liberation of the blacks. He thought that the success of any project for giving freedom to the slave must depend upon having his manumission effected as gradually as possible; and, therefore, considering this scheme of apprenticeship as a protraction of the dependence of the slave upon the master for some further time, during which he might be rendered more fit to undertake the duties of a free subject, he should agree to the Resolution. He would adopt it as the least precipitate course—as fraught with the smallest degree of risk; though he was afraid it could never be carried into that successful operation which the right hon. Secretary anticipated from it. Viewing, as he did, with the utmost alarm, the course of measures about to be adopted, he implored his Majesty's Ministers at least to consider, and, if possible, to introduce, some cautionary regulation, by which the slaves should be suffered to go free upon arriving at different periods of life—and not to have them all set at liberty together. He was certain that the latter course must be attended with all the evils of massacre and conflagration—of loss of property and life.

Lord *Howick* said, he was one of those who thought it desirable that persons holding various opinions upon this question should, as far as possible, proceed together. With these views he had on a former evening advised the hon. member for Sheffield to withdraw his amendment, although he entirely concurred in its principle, and in the same manner he would not now support the Amendment moved by the hon. member for Dover, although he thought it preferable to the third Resolution. Beyond that, however, he could not go; and he regretted that his right hon. friend had not felt it in his power to comply with the suggestion which he (Lord Howick) threw out on Friday, to abstain from pressing the third Resolution. Some hon. Members had objected to the course which the hon. member for Weymouth had pursued in resisting the Resolution without proposing any Amendment; but he thought, that by so doing he had done that which afforded the greatest opportunity for concession. The Resolution was in no degree necessary as a ground-work for future proceedings; but, on the other hand, if the House agreed to it, they would pledge themselves to a system of apprenticeship of which they did not yet know the full effect. This was dealing rather hardly by the House. His right hon. friend might avoid calling upon the House at this stage of the proceeding distinctly to pledge themselves to do that of which they had not yet heard anything like a satisfactory account. The only reason which his right hon. friend had urged against making the concession which he desired was, that if the other Resolutions should go out to the colonies unaccompanied with the third, and the House should hereafter resolve that the system of apprenticeship should be adopted, it would create great disappointment and dissatisfaction amongst the negroes. He confessed, however, that he did not see the force of that objection, for the first Resolution distinctly implied that the liberation of the negroes was to be accompanied by considerable restrictions, and it should also be recollected that the debate would accompany the Resolutions to the colonies, and the intentions of the Government and the House would be as well known there as in this country. It was very easy to talk of apprenticing negroes, but the plan was neither more nor less than entirely subverting the existing relations of society in the colonies, and organizing a system which had never been tried in any age or country, and the adoption of which must, therefore, be attended with great difficulties. The House as yet knew nothing of the details by which those difficulties were to be obviated; for his right hon. friend had at present only shadowed out his plan. He would not object to place the emancipated negro under any restrictions, however severe, which should be necessary to make the new system work; but his objection to the plan of his right hon. friend was this—the distinguishing feature, that the labour of the negro was for the greater part of his time to be obtained by direct compulsion. He feared that the colonial assemblies, who were, according to the Government plan, to regulate the manner in which the time of the apprenticed negro should be apportioned between his master and himself, would attend only to the interests of the master. His right hon. friend had utterly failed to show in what manner the proposed system of apprenticeship would improve the character of the negroes, so as to render them more fit for the enjoyment of perfect liberty at the expiration of twelve years than at the present period. His (Lord Howick's) opinion was, that the negroes would be in a worse condition at the termination of the experiment than they were now. The noble Lord concluded by advising the right hon. Secretary for the Colonies to withdraw the Resolution.

Lord *Althorp* said, that the great advantage which would result from the system of apprenticeship he conceived to be this—that as the amount of compulsory labour which the master would obtain from the slave would be insufficient for the cultivation of his estate, he would be compelled to bargain with him for the time which was at his own disposal, and thus the negro would gradually be taught habits of industry, and would learn to appreciate the advantages which would result from his engaging in labour. His noble friend was right in stating, that the Government entertained a strong objection to the other Resolutions being sent out to the colonies without that which pledged the House to establish a system of apprenticeship. There would, however, be no danger in failing to carry the Resolution into effect, if, upon subsequent consideration, the House should determine upon that course, although he confessed he should be very sorry that they should do so. There was one consideration which did not appear to have struck the advocates of unconditional emancipation. In some of the islands the slaves were supported entirely by the provision-grounds, which by law belonged to the masters; though from long usage he believed the slaves thought that they were their property. In the event of emancipation the proprietors would endeavour to regain possession of these grounds, and the danger which would arise from such a proceeding would be far greater than any which could result from the plan Government had proposed. By the present plan there would be not merely the inducement of freedom at the end of a certain period, but also the power of shortening this time by their own earnings. It had been said in the course of the debate that negroes would not work for wages; but he would ask, what proof had there been given that negroes so far differed from every other human creature? And when the hon. member for Weymouth so convincingly argued this point, he took an unnecessary trouble, at least so far as Government were concerned, for if they had not the same conviction, they would have been insane to bring forward the present measure. He should, however, be extremely sorry that the House should decide upon involving themselves in the question of the immediate and entire freedom of the negroes. This, he thought, would be productive of great mischief, and instead of deriving a great benefit from the instant abolition of slavery, he was apprehensive that the result would be ruin.

Mr. *Ronayne* thought very much extraneous matter had crept into the debate, as the real question was whether or not there should be immediate emancipation. Upon this point the arguments of the noble member for Northumberland appeared to him irrefragable, and the noble Lord's proposition was far better than the mongrel state which would be the result of the Resolution of the right hon. Secretary for the Colonies.

Mr. *Macaulay* stated, that he would not go at length into the great question of slavery at present, but would reserve to himself the right, on a future occasion, of stating his opinions fully. He rose solely for the purpose of stating how far he felt himself bound by the assent he should give to the Resolution before the House. He would vote for the Resolution as it now stood, which went to hold the negroes under the obligation of labouring for their present masters, subject to certain restrictions. The question of the period of twelve years, or of any other period, or of remuneration, was not before them at present. All these questions were out of this Resolution, which he believed was so worded as to unite as many votes as possible in its favour. He, therefore, could not vote on this point against the Resolution, and he wondered that the hon. member for Weymouth should oppose it, when he had within this very week given notice of a Resolution almost in the terms of this motion—namely, that the liberated negroes should work for the space of one year for their masters. If that Motion were passed, then there was a Resolution as to a certain time during which the negroes should continue to give their labour. Seeing, therefore, that there was now no question either of time or of labour, or of remuneration, in the present Resolution, highly as he valued the authority of his hon. friend, he could not decide on this occasion in conformity to it.

Mr. *Fowell Buxton* was as desirous as his hon. friend could be for unanimity, but he would ask whether he understood the right hon. Secretary correctly in supposing that the question of time was left open? [*"Yes," from Mr. Stanley.*] Then his proposition would be, that in the Resolution the words "for wages" should be inserted. He hoped that the negroes would be induced to labour, and his desire was, that they should be solely induced to do so for wages. It was of consequence that this should be known and understood by the planters.

Mr. Secretary *Stanley* said, as to the first point mentioned, that of time, no one who voted for this Resolution would bind himself to the time mentioned by Government. Indeed, no one supposed that they could wish to bind the local Legislatures to this time, for he hoped that many of them would, for their own benefit, shorten the period. But looking to the eighteen colonies, placed as they were under different circumstances, he only wished that a time should be fixed beyond which they could not go. With respect to the inducement of wages, he was not quite so sanguine as the hon. member for Weymouth, but the principle that must be followed in this respect was, that if labour was given for wages, then that labour would be voluntary. Government, however, said, that the negroes should give a certain portion of time to their master, he finding them food, clothing, lodging, and medicine. It would, therefore, be inconsistent with the Government plan to give wages, as, if so, then Parliament might have to regulate their amount.

Lord *Howick* said, it was quite plain that Government could not agree to the proposition of the hon. member for Weymouth, consistently with the plan which had been developed to the House. He was glad to find, that his right hon. friend who spoke last, had clearly shown the difference between the proposition of the hon. member for Weymouth and the plan of his Majesty's Ministers, than which no two things could be more dissimilar. Nothing could be more obvious than that the plan of the Government was a modified continuance of slavery. He was anxious to impress this particularly on the House, that they were then called upon to vote whether they would or would not keep the negroes three parts slaves, for compulsory labour in consideration of food, clothing, and lodging; was neither more nor less than slavery?

Lord *Althorp* said, that he could not be a party to slavery, though he had no objection to being a party to apprenticeship.

Mr. *Herries* said, that he meant to follow the example of the hon. member for Leeds (Mr. Macaulay), and would take another opportunity of stating his opinions more fully; but his great object in rising was, to state that, under all the circumstances, he felt himself unable to decide upon giving a vote at all. If hon. Members had listened to the debate they would have heard such conflicting testimonies respecting this Resolution, and they would have perceived that such were the difficulties with which the subject was surrounded, even in the minds of those whose duty it was to pay the most attention to it, that they were not in a condition to come to a just conclusion. At least he felt those difficulties so strongly, that he could not make up his mind to vote for the Resolution either in its original or mended shape.

Mr. *O'Connell* said, it was partial slavery disguised under the name of apprenticeships. It was an enormous practical blunder to suppose, that the proposed apprentices under that arrangement, could be anything else than slaves. The question simply resolved itself into one of freedom or slavery.

Mr. Secretary *Stanley* said, that before the Committee divided, he was anxious to make an alteration in the Resolution, in accordance with the suggestion of the hon. member for Lancashire. According to the Resolution as it stood, it would be optional with the negro to get himself registered, and merely become entitled to his freedom, or he might omit to claim this privilege, and deprive himself of the right to become free. He (Mr. Stanley) saw no objection to a total abrogation of the slave code, and he was therefore willing to word the Resolution in such a way as to compel all negroes to be registered, and thus to have them all put upon an equal footing. The right hon. Secretary then moved a verbal alteration to that effect, which was agreed to.

Mr. *Buxton* said, he felt great difficulty in abandoning his Amendment, but at the same time he felt equal reluctance in dividing the Committee. He did not like to put himself in opposition to a Government which had done so much, particularly as it was understood that he was not to be pledged as to the period of apprenticeship. Although he was not satisfied that it was right, he should not call for a division.

Mr. O'Connell would then move, that the words "for wages" be inserted.

On the Amendment the Committee divided—Ayes 42; Noes 324: Majority 282.

Resolution agreed to.

List of the AYES.

Aglionby, H.
Attwood, T.
Baldwin, Dr.
Barry, G. S.
Bayntun, Captain
Beauclerk, Major
Bellew, R. M.
Blake, Sir F.
Bowes, J.
Briscoe, J. I.
Buckingham, J. S.
Butler, Colonel
Dalrymple, Sir J. H.
Dashwood, G. H.
Donkin, Sir R.
Faithfull, G.
Finn, W. F.
Fitzsimon, C.
Fitzsimon, N.
Gaskell, D.
Gully, J.
Harland, W. C.
Hutt, W.
Ingilby, Sir W. A.
Langton, Colonel
Mills, J.
Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, M.
Pease, J.
Rippon, C.
Roche, W.
Ronayne, D.
Ruthven, E.
Stewart, R.
Talmash, Hon. A. G.
Tennyson, Rt. Hn. C.
Tooke, W.
Tynte, C. K. J.
Vigors, N. A.
Vincent, Sir F.

Mr. Secretary *Stanley* said, that the main principle of the plan having now been agreed to, it remained for him to propose that which was a necessary consideration in the introduction of this measure, and without a preliminary vote for which it would be impossible for them to proceed another step towards the abolition of negro slavery—he meant the compensation which, in justice and equity, that House was bound, and which he was confident the country would be ready cheerfully to pay, to those on whom they were entailing a necessary loss. In saying this he was well aware that there were many gentlemen who would be willing enough to pay to the present proprietors of West-Indian property such an amount of compensation as would cover the loss which they should ultimately be able to prove resulted from this measure; but in dealing with a question of such importance as the present, when they were taking away that which, (without entering into the question of abstract right, which he was unwilling to discuss), by the law of this country, had been recognized as property, and had been made the matter of sale and purchase, of incumbrance, mortgage, and family settlement—when they were dealing with this species of property, which was subject to the most complicated claims, the amount of which it was almost impossible to calculate—he did not think they would be acting with that liberality which it was incumbent on the House to exhibit in the consideration of a question of such magnitude; or, that they would be successful in doing what it was so essential they should do during the trial of this great experiment—inspiring confidence in the owners of West-India property and those who had claims upon them—if they left the *maximum* amount of compensation as a subject for future discussion and subsequent arrangement. At the same time, he confessed, that it was a matter of extreme difficulty to ascertain what the amount of that compensation ought to be; but this point was quite clear, that they were, by the Act they were about to pass, taking away from the present proprietors of slaves one-fourth of the value of those slaves immediately, and at the expiration of a limited period the whole of the property which the owners at present possessed in them. In the mean time the proprietors would be in no way relieved from the necessity of maintaining and supporting their slaves. At the same time, the value of this property ought to be calculated, not simply by the value of that which was actually taken away. There were other circumstances connected with it which it was but fair to take into consideration; such, for instance, as the value of the land, which value was principally created and maintained by slave labour attached to the soil. If this were a simple question, they might deal with it differently; but it was not; and considering the very small numerical amount of representation which the West-India interest had in that House (though it must be admitted, that they had at least one able and gifted supporter)—considering, also, the number of claimants on this property, some of whom were among the most helpless and unprotected class of the community—he could not but regard it as a circumstance of great importance—he did not mean to say of indispensable necessity—to secure, in the execution of the proposed measure, the concurrence, the active co-operation, and the cordial consent, of those who were connected with that property; for without that concurrence and consent, it would be a matter of difficulty—not to put the plan upon paper, but to carry it into practical effect, without deranging and embarrassing the mercantile speculations of this country. A strong necessity was imposed on that House, to look at this question of money compensation, not in a grudging and niggardly, but in a liberal and comprehensive point of view; and if he knew anything of the feeling of the people of this country, he was sure they would not care whether they paid a little more than the value of the property in the way of compensation; but they would take into their consideration the importance of gaining the co-operation of the West-India body, and the risk which, without such co-operation, must attend the execution of any plan for the abolition of slavery. He had consulted persons well acquainted with the value of this kind of property; and after the most minute calculation which they had been enabled to make with reference to the extent of human life, and the portion of the slave's time taken away from the planter's control; and taking the value of the slaves at the low calculation of 40*l*. per head, they had arrived at the conclusion, that the slave property in all the colonies was worth 30,000,000*l*. sterling. The value of the slave's time which was taken from the proprietor he could not value at a lower sum than very nearly 15,000,000*l*. sterling. Admitting for a deterioration in the value of the slaves during a period of twelve years, and not allowing, on the other hand, for the value of the children hereafter to be born, who, by the proposed plan, would be free—taking this most unfavourable view of slave property, he could not reduce the amount of compensation which the proprietors were entitled to demand to a lower sum than that he had just mentioned. But in a question of this kind it was necessary for the House to consider whether there might not be reasons for not restricting the compensation precisely to the value of the property; and whether, even in an economical point of view, it might not be wise to give such an amount of compensation as would prevent scenes occurring in the West Indies that might entail on this country great and serious expense. He thought it best to deal frankly with the House, and state, that the reason which induced him and the Government to propose a larger sum than that which he had just now mentioned, 15,000,000*l*., was this—that all those connected with West-Indian property, without a single exception, had declared, that, however anxious they might be, that the mercantile transactions should not be deranged, they considered the sum of 15,000,000*l*. perfectly insufficient for the purpose of compensation; and that, in the event of such a sum being proposed, they should feel bound, for the protection of their own property and interests, to abstain from lending their concurrence and assistance in carrying on those mercantile transactions on which the very existence of the West Indies depended. On the other hand, he had been assured by that body, whose importance it was impossible to rate too high, that if Parliament would consent to vote 20,000,000*l*. to the proprietors as compensation for the loss of their property, to be subsequently distributed according to such regulations as Parliament might think fit, that great interest would give its full concurrence to the Government plan, and would use any influence it might possess over the Colonial Legislatures in order to induce them to co-operate in the extinction of slavery. He thought it better to affect no disguise on this subject, but to state frankly and fairly the grounds on which Government proceeded. It was possible that 20,000,000*l*. might be more than an equivalent for the loss sustained by the proprietors; but with respect to a question of such magnitude, where a difference of 5*l*. only in the average of the value of the slaves would make a difference on the whole of between 3,000,000*l*. and 4,000,000*l*., it was impossible for the House to come to any very close calculation. This, however, was certain, that it was a point of great importance to secure the concurrence of all parties; and he believed, that the people of this country would not object to the grant of a larger sum than he originally suggested in the way of compensation, if by it the plan for the abolition of slavery could be safely and peaceably carried into effect. The right hon. Gentleman concluded by moving, that "towards the compensation of the West-Indian proprietors his Majesty be enabled to grant a sum not exceeding 20,000,000*l*., to be appropriated as Parliament may hereafter think fit."

Colonel *Davies* thought it was too late an hour for a question of such magnitude to be discussed. He felt as much as any one the hardship upon the West-India planters, but, at the same time, he must recollect the people of this country. He must remember the burthens which they were weighed down with—he must recollect the manifestations of distress now unhappily too prevalent. Were they not only to refuse any remission of taxes, but even to lay fresh burthens upon the shoulders of the people? He must say, that he thought the system now proposed the most ill-judged that could have been brought before the House. The twenty millions now asked for would not relieve the distresses of the West-India interest. They might as well be thrown into the sea. He should not now go into the question, but he was convinced that some other means must be taken to relieve them. He, therefore, gave notice, that, at the proper period, he should move, "that it be an instruction to the Committee to reduce the duties on sugar to 17*s.* per cwt." That would be a real advantage to the colonists, by increasing the consumption of sugar, and, at the same time, it would be a benefit to the people of this country, by giving them at a cheaper rate an article of necessary consumption. He should certainly, if the right hon. Gentleman now pressed his Motion, take the sense of the House upon it, especially as it was coupled with a proposed increase of the duty on sugar, which he thought would be as disadvantageous to the colonists as it would be vexatious to the people of this country.

Mr. *John Smith* said, that no man in that House had taken a deeper interest in the present question than he had done. He had been in business as a banker in this city for the last forty years, and he had an opportunity of observing and judging of the extent and importance of the West-India trade, and of its effects on our manufactures and commerce; and he must own, that he had never felt half the anxiety on any question that he had felt on this. He was, and always had been, an enemy to slavery in all forms, mental or personal; but he could not vote for the abolition of slavery in the West-Indies, if its abolition were to be coupled with the commission of an injustice. It would be unjust and base to liberate the slave with one hand, and with the other to condemn his friends and acquaintances to poverty, destitution, and misery. In this country there were many West-India proprietors whose children had now no means of acquiring education but in parish schools, and he himself had known a most amiable and virtuous lady of high rank reduced to utter distress. He could not condemn his fellow-subjects to this misery. He should, therefore, most readily vote in favour of the proposition of the right hon. Gentleman. He should do this, not only for the reason he had just stated, but, also, becauseit was absolutely necessary to have the assistance of the West-Indians. Hon. Members might rely upon it no measure of emancipation could be happily carried that did not meet the concurrence of the West-India proprietors; and if a measure were forced, although it did not meet that concurrence, the consequence would be a serious and a dangerous loss to the revenue. Indeed he felt convinced, that the loss would be so great that it would shake the national credit. He knew it was said, that if the British West Indies ceased, sugar in sufficient quantities would be supplied from Cuba and the Brazils. He, however, denied that statement. He was of opinion, that a general insurrection in Jamaica would occasion so great a deficiency in the quantity of sugar, that it would be felt throughout the world. The vacuum might be partially filled up by Brazil, Cuba, and other parts; but there would be, and for a considerable time, a large vacuum. No part of the community had been more anxious for the abolition of slavery than his constituents; but he thought they would find great fault with him if he supported any scheme for emancipation which was followed by a dearth of sugar. He held, that the right hon. Gentleman (Mr. Stanley) had proposed a safe and practicable plan, and it should have his support. After all the glory the country had achieved—after it had contributed to the happiness of the whole world by its improvements—after it had saved Europe in the late war, it would be melancholy indeed if it were now to proclaim to the world, that while it gave freedom it perpetuated spoliation. They had been told, indeed, that there was great and universal distress in the country. He must say, though he knew it would expose him to obloquy, that he did not believe one word of it. Distress, of course, there must and would be in a country like this; but still it was not general nor universal; and, he believed, that the country would consent, in order to see the emancipation of the slaves safely effected, to pay the sum proposed by the right hon. Gentleman.

Mr. *Gisborne* must say, that he did not think it fair in the right hon. Gentleman to call on the House to come to a vote on this question now. The House had no means of judging of the question now. The right hon. Gentleman had three times changed his course. At first he proposed to lend the West-Indians fifteen millions. He (Mr. Gisborne) must say, that he thought it a pretty strong step when the right hon. Gentleman came down and changed that proposition, and said, I do not mean to lend, but absolutely to give the fifteen millions; but now this night, without the slightest preparation, he changed again, and proposed to make the gift, not fifteen merely, but twenty millions, for such, said the right hon. Gentleman, is what I now discover to be the right amount of compensation. He had always been in favour of a fair compensation to the West-Indians—the people of this country were so; but the amount of that compensation could not be agreed to in that hasty way. The question ought not to be pressed on to-night, the more so, as, if the House now voted this Resolution for the maximum, they would, in fact, pledge themselves to that amount.

Mr. *Stanley,* under these circumstances consented not to press the question to a division then. He wished only to add, that whatever might be the amount of compensation, the money would not be paid till the details of the measure had been carried into effect by the Colonial Legislatures.

The House resumed, Committee to sit again.

ROMAN CATHOLIC MARRIAGES.] Lord *Molyneux* moved for leave to bring in a Bill to legalize the marriages of Catholics by their own priests. All he wished was, to put such marriages on the same footing as those of Quakers and Jews. As the law now stood, the marriage of two Roman Catholics by their own clergy was not lawful, and the man so married might, if the ceremony was not afterwards performed by a clergyman of the Established Church, leave his wife and family at any time and marry again, thus leaving his wife destitute and his family on the parish. It might be said, that the Registration Bill would effect the remedy which he proposed, but he did not think that it would. He did not wish to encroach upon the Established Church, all he wished was, that the marriages of Roman Catholics by their own clergy should be valid in the eye of the law.

Mr. *Richards* seconded the Motion, and observed, that what his noble friend required was in accordance with the strict principles of justice.

Leave given and Bill ordered to be brought in.

HOUSE OF LORDS,

Tuesday, June 11, 1833.

MINUTES.] Petitions presented. By the Earl of GOSFORD, Lord WYNFORD, and a NOBLE LORD, from several Places,—against the 19th Section of the Local Jurisdiction Bill—By Lord WYNFORD, from Gravesend and Milton, against taking away the East-India Company's Trade.—By the Archbishop of CANTERBURY, from Canterbury; and by the Marquess of BUTE, from Ampthill,—in favour of a Factories Regulation Bill.—By Lord SUFFIELD, from two or three Places, against Slavery.—By Lord PANMURE, from several Places, for a Better System of Church Patronage in Scotland.—By Lord WYNFORD, from Mr. Beamish, for Inquiry into his Case, or for Compensation.

LOCAL JURISDICTIONS.] The *Lord Chancellor,* in moving the second reading of the Local Jurisdiction Bill, stated, that as he had received a communication through his noble and learned friend (the Earl of Eldon), whom he did not then see in his place, informing him that it was not the intention of those who took an interest in the question, and who had doubts (he believed they were but doubts) as to the principle of his measure, to offer any opposition to his Motion, on the understanding that it would be competent for them at a future period to state objections to its principles as well as its details, he would, on the present occasion, abstain from troubling their Lordships with any observation. Following the example, however, of his noble friend, he begged to reserve to himself the right, when the Bill went into Committee, should he deem it expedient, of occupying a portion of their Lordships' attention in pressing upon their consideration the principle of the Bill. The noble and learned Lord concluded by moving the second reading of the Bill.

Lord *Lyndhurst* did not rise to oppose the Motion, but simply to reserve for himself, and for his noble and learned friends, the right, when going into Committee, of discussing the principle, on which, he begged to observe, he entertained very strong opinions as well as on the details of the Bill.

The Bill was read a second time.

HOUSE OF COMMONS,

Monday, June 11, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. BERNAL, an Account of all Sums received by the Corporation of the Trinity House of Deptford Strond, of the Thames River Pilots, in the year 1831, under the 6th George 4th, cap. 125, sec. 4, with the Names of the Licensed Pilots.—On the Motion of Mr. SPRING RICE, an Account of the Public Income and Expenditure, during the years 1830, 1831, and 1832.

Petitions presented. By Mr. INGHAM, from South Shields, in favour of the Sea Apprenticeship Settlement Bill.—By Mr. W. DUNCOMBE, from Malton, for the Repeal of the Duty on Malt, and against the Repeal of the Corn Laws.—By Mr. PEASE, from several Places, against the General Register Bill.—By Mr. GRANTLEY BERKELEY, from Persons selling Spirits, Beer, &c., in Ireland, in favour of the Spirits, Wine, and Beer(Ireland' Bill; from Horfield, for Amending the Sale of Beer Act; and from the Prisoners for Debt in Gloucester County Gaol for an Inquiry into the State of that Prison.—By Mr. R. POTTER, from Manchester, against the Rating of Tenements Bill; and against the Highways Bill.

CHARGE AGAINST SIR THOMAS TROUBRIDGE.] Sir James Graham rose to address the House.

Mr. Cobbett objected to the hon. Member speaking on the adjourned debate.

Sir *James Graham* said, he thought it was incumbent on him to state to the House, before it came to any decision on the subject, that he was in possession of certain facts, from an official source, which would entirely set aside the allegations of those who had signed the petition brought into the House by the hon. member for Oldham, upon the faith of whose assertions that hon Member had principally rested his case against the gallant accused.

Mr. *Cobbett:* The hon. Member had certainly seconded the adjournment of the debate, but he thought that he should first wait to see if any other hon. Member intended to speak on the question.

The *Speaker:* The hon. member for Oldham was not a very old Member, and therefore not very conversant with the practice of that House. If the hon. Member who wished to address the House, did so with the intention of communicating to the House information derived from official documents which would controvert any previous statement made to the House, that hon. Gentleman had an undoubted right to make such a statement before the House could be called upon to decide the question before it.

Sir *James Graham* was only desirous to make a statement of facts with which he had become acquainted in his official capacity, and he hoped before the House came to a decision he might be permitted to make them. The hon. member for Oldham had rested the charge of felony against the hon. Baronet (Sir Thomas Troubridge) upon the testimony of two individuals of the names of Captain Owen and Mr. Edwards. Itwas rather remarkable that he had information of a singular kind relating to the characters of each of those persons from the Admiralty, which he thought it his duty to state to the House. The first name amongst those who had signed the petition was that of Captain Owen; and in laying before the House a statement of that officer's conduct and professional life he begged the House to bear in mind that he drew all his facts from official documents, at the present moment preserved as records in the Admiralty. On investigating them he found that Captain Owen received his promotion in 1794, his certificate then stating him to be twenty-two years of age. In 1822, the Admiralty issued circulars requiring every officer to send in a return of the age he was at that time. He found on looking at Captain Owen's return that he stated himself to be forty-seven years and six months; now this would make him to have received his promotion at the age of nineteen and a half, in place of twenty-two years of age, as his certificate stated, so that one or both of the statements must be incorrect. He further found,that in 1795, while acting as Lieutenant with Captain Stanhope, he brought that officer before a Court-Martial upon a variety of charges, the principal of which was for fraudulent conduct in the management of the slops and unofficer-like conduct. The Court were of opinion, upon consideration of all the charges, that they were frivolous, malicious, and perfectly unsupported, and tended much to subvert the discipline of the navy. Captain Stanhope, therefore, was most honourably acquitted. Captain Owen was afterwards, at the instance of Captain Elphinstone, brought before a Court-martial for behaving to Captain Stanhope in a most insulting manner, as well as to him (Captain Elphinstone); for sleeping on his watch; and for behaving riotously and in a most unofficer-like manner. The Court found him guilty of the first and last charges, and partly guilty of the others. Captain Owen was sentenced to be dismissed from the service. Upon an investigation of the manner in which he had been restored he found that great irregularity had taken place. The law as it then stood was, that no officer who had been dismissed from the service could be restored without an Order from the King in Council. Now he found that this regulation had not been complied with, the order for his restoration being signed by a single Lord of the Admiralty. He might be allowed to ask whether he had much right to complain of any irregularity? Another person who had signed the petition was a Mr. Edward Edwards. Now he found, on looking over the official documents, that he was a Midshipman in 1814, and on the 5th of January was tried before a Court-martial for behaving in an insulting manner to his Captain, and for riotous conduct. He was found guilty, and sentenced to be dismissed, and rendered for ever incapable of promotion in his Majesty's service.

Sir *Edward Codrington* would support the Motion for the rejection of the petition, conceiving the service to be rather injured than benefited by the conduct of the petitioners. Had there been twice the number of such officers in the list as the one now complained of, it would have been a great advantage to the country. He gave his testimony with great pleasure to the benefit the country had derived by the infraction of the Order in Council of 1806. He admired the address of the right hon. Baronet, and expressed his warm concurrence in that part of it which stated what was due to the son of such an officer as the late Sir Thomas Troubridge, feeling assured that if ever a reward was due to the posterity of any man, it was due to his. The present Sir Thomas Troubridge had been under his command, and he could say with great pleasure that in point of able and honourable conduct no man was his superior. But when the House considered who the persons were that endeavoured to throw dirt on the characters of these honourable persons, it could come to but one conclusion. The gallant Admiral also defended the conduct of Captain Dacre and Sir James Yeo, and said, that even the Americans would do justice to the bravery of those officers. All officers were liable to accident, and to this the capture of Captain Dacre's vessel must be attributed. His mizen mast having been shot away, his ship was placed in such a position as to be exposed to the raking fire of the enemy, and this occasioned his defeat. The regulation was, no doubt, made to prevent early promotions, but periods had frequently occurred where there was a great dearth of officers, and then it was policy to break through them. He recollected an instance when the dearth of officers was so great that a purser had been called upon to keep watch, and was sent to cut out vessels. The country did not forget the services such men had rendered to them, nor did they regret their promotion. He repeated the admiration he felt at the conduct of such officers as Sir Thomas Troubridge, and many others, who had been promoted over the heads of others. The service had no cause to regret the irregularity, nor could any officer feel the least jealousy on the subject when he contemplated the good that had resulted to his country from such a course. Under the regulations of the navy, no person could be a Lieutenant under the age of twenty, having first served six years as a Midshipman, which at sea was no trifling servitude; and when the House considered, that he must then serve two years before he could be a Commander, and another year before he could be posted, which would make him twenty-three years of age, he did not think they would come to a conclusion that the individual could be very inexperienced. He had no doubt, however, that if a war broke out, they would be compelled to get rid of the regulations altogether if they went on to dismiss officers as they had been doing for some time past.

Captain *Yorke* supported the Motion for the rejection of the petition on two grounds; the technical allegations of the petition were undoubtedly true, and the petition was respectfully worded; but at the end of it a gallant officer, and a Member of that House, was charged virtually with felony, although there was nothing in the body of the petition to support such a charge; secondly, the grievance complained of in the petition had been long ago remedied, and therefore there was nothing in the petition to grant. He thought the hon. member for Oldham (Mr. Cobbett) if he had refrained from bringing forward such sweeping charges would have shown better taste than he had ever yet shown in that House. The charges he had made against Captain Dacre were most unfounded, as every person at all acquainted with that gallant officer was aware.

Sir *Hussey Vivian* said, that, as a member of the service, he felt called upon to say a few words. He felt sorry to see a petition like the present brought under the notice of the House by an hon. Member who set himself up as a pattern of every thing that was pure and correct. He would undertake to say, that no Gentleman besides the hon. Member, out of the 658 Gentlemen sitting in that House, would have any other opinion with respect to this petition, than that it should be kicked out of the House. It was a most gross libel not only on the living but the dead. The hon. Member had said yesterday that the defeats during the American war had been the result of improper management. He had had the curiosity of looking into the works of that hon. Member, and by those he found that the hon. Member had but lately imbibed those sentiments. In 1814 the hon. Member attributed those defeats to the superiority of the American seamen. The petition should be rejected as frivolous and vexatious.

Mr. *Cobbett* said, that, after the severe shots which had been fired against him, he felt called upon not only to say something in his own defence, but of that also of the petition. Nobody denied the existence of these malpractices — nobody denied the technical correctness of the statements of the petition; indeed, the right hon. Baronet had admitted it, and had brought forward instances of the promotion of naval officers to prove that it was a general practice—showing promotions in violation of the law to be quite common [*"No, no."*] Well, then, it was a neglect of duty on the part of the Lords of the Admiralty, and that was set up as a defence of the course pursued towards the gallant Member against whom the petition had been presented. Why, if the present Lord Chancellor were charged with bribery—a thing, that in his opinion, was not at all likely to take place—would he be allowed to say, in extenuation of that offence, that such a line of conduct had been practised by the great and learned philosopher Lord Bacon? Such a defence at the present day would be ridiculed and laughed at. When he presented the petition yesterday, he had stated that he would not take upon himself to vouch for the accuracy of all its statements but that he believed them to be true. He did not mean to say it was proper on the part of any petitioner to apply such harsh terms, but when an hon. Member had such a petition put into his hands, what was he to do with it—must he either refuse to present it, or be answerable for every word it contained? Since Parliament had met the House had been told by a member of the Petition Committee, that a petitioner had no right to leave his petition to the House, and no right to have it printed. If, in addition to this, no petition was to be presented containing any words which the Member who presented it would not be answerable for, there would soon be an end to the presentation of petitions altogether. The Orders in Council had all been flagrantly violated by the practice to which the present petitioners referred. It had been said by the hon. Baronet opposite, that there was a scarcity of Lieutenants and officers at that period, but he (Mr. Cobbett) would refer to the papers then laid before the House to see in what that scarcity consisted. A Return was made in 1825 which purported to be a Return of the Midshipmen and Mates (the persons out of whom Lieutenants were made) who had passed their examinations, and had not been promoted to the rank of Lieutenant in each year from 1804 to that time. This return, then, of course, went back to 1806, the period at which the hon. Baronet, the member for Sandwich, was made a Lieutenant. What had the country then to pay? Why, it had to pay for 2,608 lieutenants, 1,488 of whom only were in service, leaving, therefore, 1,120 more than the service required, but which the country, notwithstanding, had to pay for. It was imperative to take this return to be true, because it came out of the Admiralty—the hon. Baronet's own office. The hon. Baronet (Sir Thomas Troubridge) was promoted to the rank of Lieutenant—no doubt on account of the scarcity of Lieutenants—at a time when many midshipmen and mates who had served their time, and passed their examinations, were left without promotion. He would now like to put a question to the hon. Baronet. He (Mr. Cobbett) gave a list of names to the hon. Baronet, and asked him if he would have any objection to have those names printed and laid on the table of the House, among which were the names of the Lords of the Admiralty. The hon. Baronet replied, that at that time the frauds were notorious; and as those things were not practised now, it would be for him (Mr. C.) to consider whether it would be fit that he should now move for that which would show up those officers in the way that such a proceeding would do? He (Mr. Cobbett) had considered this, and had determined merely to present this petition, and there let it rest, but he could not do so now. The hon. Baronet added, that at that time there was a man at Somerset House whose business it was to forge, to fabricate, and—[Sir *James Graham:* Not to forge; I did not say forge.] It might be that the word "forge" had not been used, but certainly to make up and to fabricate certificates, for the purpose of getting naval officers and men promoted, &c. But did the hon. Baronet not know that that very man had been tried for that conduct, had been found guilty, put into the pillory, whipped and punished severely for it? Had not also every pensioner who had got into Greenwich Hospital through his instrumentality been turned out of that hospital? Did he not know, also, that every man who had received a pension through his means had had that pension withdrawn? But could the hon. Member say, that a single officer (and many there had been) who had been promoted through that man's interference, fabricated certificates and workings, had been broken or reduced to the rank he had held before? Not one; and this was what animated him (Mr. C.) on the present occasion. It was the difference of conduct that was shown to men to that which was shown to officers. Many a man and many a woman had been punished severely for forging certificates even of their births; the men to whom he had alluded had been punished in the way he had stated, but the officers who had risen by these malpractices had been suffered to benefit by them, and thereby rendering justice a mockery. The motion for rejecting the petition, was not founded upon the assumption that the allegations it contained were false; and it would be, therefore, like flinging it back in the faces of the people. If the House laid it down as a law that hon. Members should be held responsible for the contents of every petition that was presented, it would go eventually to the exclusion of the privilege of petitioning altogether.

Mr. *Harvey* did not see the same objections to the presentation of such a petition as had been made, because it not unfrequently happened that individuals suffered under a secret and undefined imputation of much greater amount than they could possibly endure, by the bringing forward of a charge in such a way as not to give full opportunity to have it rebutted. Looking at the circumstances in this point of view, he could not but congratulate the hon. and gallant Officer on the opportunity which had been afforded to him to negative the charges which had been brought against him. Had he (Mr. Harvey) been asked out of that House if he knew a gallant Officer, who was a Member of the House, and (the gallant Officer having been mentioned by name) that he was charged with having committed a forgery, he could not have avoided feeling a prejudice against the gallant Officer, which such a discussion as the present could not fail to have removed. But he thought it harsh and most unjust that any sentiment should be entertained towards the hon. Member who had presented the petition, after the discussion was concluded, other than that which was entertained towards the hon. and gallant Officer. And it should be borne in mind, that such Members of that House who were supposed, like the hon. member for Oldham, to represent particularly, but not exclusively, those classes whose employment was of a subordinate description—that such hon. Members should have some allowances made to them for being called upon to present petitions from such parties. The discussion would also have the effect of showing that, although such practices as those alluded to had formerly existed to a considerable extent, yet that the Admiralty was found to have discountenanced the practice for many years, and that it was now discontinued. Whilst he differed from the opinion that no attention should be paid to the statements of those whose characters did not stand clear of taint, he could not subscribe to the doctrine, that the evidence of any man should be received without some degree of suspicion, who had himself been guilty of that which he charged against another, and yet came forward as a specimen of individual purity in his own character. And, without mixing up the hon. and gallant Member in the assumption, which he (Mr. Harvey) intended to be only general in its application, if it happened that any individual had, at an early period of his lifetime, committed himself in such a manner as had been described, he thought it was too much to say, that no reference should be made to the subsequent conduct of that individual, to his feats of bravery, and noble bearing against the enemies of his country, and especially when that individual had received the highest honour that could be attained, by being returned the Representative of a free Constituency.

Captain *Elliott* was sorry to trouble the House at that late hour, but he had a duty to perform, both on his own account and on that of his brother officers. He would at once state, that the plan complained of was at the time a necessary one, for there were no other means of obtaining a proper supply of officers. He had looked a little into the subject since it had been brought before the House, and he found that in the six years previous to 1800 there had been 900 appointments to the rank of Lieutenant; and he further found that so great was the drain upon that rank, that at the end of six years it had only added 200 to the number of such officers; he further found, that during the first four of those six years, 900 had been appointed, out of which there were only nine names connected with the Aristocracy. So much for the statements of the hon. member for Oldham, that the system was for the exclusive benefit of the higher classes. So very great was the dearth of officers, that in many instances Commanders were obliged to take common seamen from before the mast. In a ship in which he was serving, five seamen were promoted to the rank of officers, only one of whom did well; the rest behaved so badly that the Captain frequently said, "Give me boys, rather than drive me to the necessity of taking men from before the mast, however well behaved in that situation. He would defy the hon. member for Oldham, or any other Member, to produce one single instance of a ship being lost, or any other casualty that had happened in consequence of the officer in command not being eligible on account of age; therefore that hon. Member ought not, either in justice or candour, to make use of such unfounded statements. As for the cruel and uncalled for, as well as untrue statement, in reference to his gallant friend Captain Dacre, he would only say, that he had served six years as Post-captain before he had the misfortune to be captured by the Americans. In 1806 the new regulations were promulgated, and they were most strictly carried into effect, as was proved by the results. The gallant Officer read from the regulations a clause, which stated that if any officer was promoted by a false certificate, he should, whatever rank he might have attained to, instantly on its being found out, be dismissed, and rendered incapable of ever again serving his Majesty. Therefore he considered that it was unfair in the hon. Member to take cases that occurred before these regulations came into effect. He had no hesitation in stating, that he was one of those who had been promoted in such a manner, and he was not ashamed to own it, as he was aware that by no other plan was it possible to recruit the service, except by taking common seamen. As a Member of that House, and as an officer, he complained of the conduct of the hon, member for Oldham. He was justified in calling these statements most unjust and foul charges. That was not the first time the hon. Member had indulged in such a course.—[Mr. *Cobbett*: Name!].—When the civil retirements were before the House, the hon. Member stated that an officer of high rank in one of the dock-yards was displaced in the vigour of life, in order to make way for the brother of a Cabinet Minister. Of course the House naturally concluded that the case was a recent one, and he and some other hon. Members called out for the name. Then, what was the surprise of the House, when they found that the hon. Member had to go back twenty-seven years for his instance, which was, that Sir Charles Saxton had been displaced to make way for the late Sir George Grey! Now, the facts of that case were these:—Sir George Grey, the brother of a Cabinet Minister now, was appointed to the situation in May, 1804, and Sir Charles Saxton applied to the Admiralty, in July, 1806, to be superannuated, on account of incompetency, age, and infirmities—having served his Majesty sixty-one years, and being at the time seventy-six years of age. This was the man who, according to the candid statements of the hon. Member, was in the full vigour of life. He trusted, that when the hon. Member arrived at that age, he would live longer to enjoy his vigour than did that hon. Baronet, for he died of old age in less than twelve months after. The successor to Sir Charles Saxton was a gentleman who possessed no family influence and no interest, excepting that to which, by his merits as an officer, he was entitled—he meant Captain Lobb. The hon. member for Oldham must have gone greatly out of his way for an instance, in order to throw a slur on the characters of two gallant officers, and make an attack on a nobleman now at the head of the Government, who, it was very well known, was far above his censure. He hoped the House would endeavour to put a stop to such a practice, for it was making the freedom of debate a means of calumniating individuals.

Sir *Robert Inglis* said, that the hon. member for Oldham appeared to think that any petition which was respectfully worded ought to be laid on the Table of the House. He, however, contended, that although the language might be respectful to the House, an hon. Member should use his discretion in not giving his sanction to any unfounded charge against an individual. Here the hon. Member had come forward and made a charge, if not of felony, at least of fraud, against an hon. and gallant Officer, although he admitted that he knew nothing of the facts of the case. The hon. Member had asked what would become of the right of petition, if the present petition were rejected? The right of petition certainly had not been much interfered with this Session at least, for more petitions had been presented this Session than during any previous one. Nearly 10,000 had been presented, and as for their quality, at no former period had greater licence been allowed. The House had, however, exercised a sound discretion in deputing to a Committee the examination of those petitions, so that nothing should be published that contained matter offensive to any party. As to the attack on Captain Dacre, he would just remind the House of the condition to which that gallant Officer's vessel was reduced. In a few hours after she surrendered, there was four feet water in her hold; she was not surrendered, therefore, till she was in a most crippled condition. He would ask, after this, whether Captain Dacre could be accused of having sacrificed his ship? He should support the proposition to reject the Petition.

Colonel *Evans* suggested to the hon. member for Oldham to withdraw the Petition. The right hon. Baronet (Sir James Graham) had unnecessarily evinced a degree of soreness at the attack on an officer in the service, for he (Colonel Evans) thought that, so far from an officer's reputation being injured by such a discussion, it would be benefited. That was his opinion, as a general principle. As to the hon. and gallant Officer (Sir Thomas Troubridge), he admired his conduct, having had the honour of serving with him during the war. And he also thought that gallant Officer entitled to some regard from the great merits of his father. The cause, however, of his addressing the House was, in consequence of having been requested by some of his constituents to do so. The right hon. Baronet had alluded to the promotion of boys in the navy; he did not mean to complain of that; but he could assure him that in the army, promotions highly culpable had taken place. He did not make this observation with regard to himself, but as it related to brother officers, who had had young men placed over them after most arduous duty on their part.

Mr. *Roebuck* did not wish to enter into the question of the character of naval officers, but he must say, that he thought the conduct of the hon. member for Oldham, in presenting the petition, was quite correct. He denied the responsibility of hon. Members for the statements in the petitions they presented. He trusted the House would pause before it rejected the petition.

Sir *Matthew White Ridley* said, that the hon. member for Bath, after he had been a little longer a Member of that House, would find that hon. Members were answerable for the statements in the petitions which they presented, more especially when they cast such calumnies as the present did upon the character of individuals. He admitted, that the representatives of the people were, in duty, bound to present the petitions of the people to that House, but they were also bound to take care that no petition, were the means of conveying abroad calumny and slander. For the present petition, such were the calumnies and slanders that it contained, that he should have no hesitation in throwing it upon the floor, and trampling upon it. With respect to the present petition, and with respect to the statement in a little work, called the "Ten Cardinal Virtues," he would recommend the hon. Member to exercise a little more public consistency, and pay a little more attention to such subjects, before he brought charges against men in that House, who stood far above him in all the relations as well as the distinctions of life.

Mr. *Ruthven* was as much indisposed as any man to receive petitions that could not be duly presented to the House, and he objected to the reception of the present petition, because it contained unbecoming language toward the gallant Officer opposite. He did not believe the statements made in the petition.

Admiral *Fleming* said, with reference to the statement made by the hon. member for Oldham, of the number of Lieutenants out of employment, when his hon. friend (Sir Thomas Troubridge) was appointed a Lieutenant, that his hon. friend was then on the East-India station; it was during the war; and he could assure the House, that he had often even in the time of peace, on the east and western coast, been in great want of officers.

Petition rejected.

KINGSTOWN RAILWAY—APPEAL.] Lord *Oxmantown* rose to call the attention of the House to the petition respecting the Dublin and Kingstown Railway Bill, for the purpose of having it referred to a Select Committee up stairs. It was fortunate for him, in bringing forward this subject, to be under no necessity of touching on debateable ground. He was certain, that there were facts admitted on all hands, which would be quite sufficient to induce the House to accede to his Motion for inquiry on this subject. The facts were simply these—In 1831, an act was passed for the construction of a railway between Dublin and Kingstown. That work was now in progress, and 75,000*l.* of the public money had been advanced on it. It would be completed whether this motion was agreed to or not; but the simple question was, whether it should be completed under advantageous or very disadvantageous circumstances. The parties had felt it necessary to apply to the House to make changes in the line of railway laid down in 1831, in consequence of the change of circumstances that had taken place; and the question for the consideration of the House was, whether those circumstances would induce it to make any alteration in the Bill. The circumstances to which he referred were, first, that in 1831, two of the principal proprietors of the county through which the railroad was to pass, had resisted it, but since that period, they had changed their minds. In consequence of that, the line of railway, which was circuitous before, would be altered, considerably shortened, and a saving of several thousand pounds effected. The noble Lord concluded, by moving that the petition should be referred to a Select Committee of Appeal.

Mr. *O'Connell* rose to oppose the Motion. This concern was one of the greatest bubbles ever promulgated even in Ireland, a greater bubble than any of the canals, or even that of the St. Patrick Insurance Company, which had ruined so many people. He said this as Chairman of the Committee which had sat upon the Bill. That Committee had reported, that the preamble of the Bill was not proved, although the agent for the Bill had had the audacity to tell the noble Lord that it had been proved. What the noble Lord ought to have done was, to have shown that the preamble had been proved, but he had not, because he could not do so. The Company was formed, in 1830, as a public Company, with the intention of getting the public money; and it was curious, that only eight days after the passing of the act in 1831, they had obtained an order from the Commissioners for 75,000*l*. It was notorious, also, that out of forty members of which the Company originally consisted, eight were stockbrokers or notaries public. The surveyor employed on the part of the Bill, was averse to have it known to the Committee what his charges would be. He called this a professional secret. He was not, it appeared, sent over on account of the first bill—he was not imported there until after that; but one of his first charges on this job was 7,800*l*. He would say, Heaven help the poor subscribers. The House should remember that it was exceedingly expensive and difficult for individuals to contend against joint-stock companies such as this; and the party who was chiefly interested in opposing this Bill, had been detained in town a long time at a considerable expense. Talk of solicitation, he would say, he had never seen so much solicitation in his life—and it was a most annoying thing for Members to be so much pressed in cases wherein they were acting as jurors. If they were sworn, it would be then penal for them to be so pressed. The petitioners before the Committee had given up, point by point, until they struck at the shortest possible limit, in order that there might be a bill, and that they might have to charge for costs against the Company at large. He complained that the promoters of the Bill had published a garbled statement of the evidence here; they had suppressed four letters which formed part of the correspondence, two of which were of the utmost importance. The members of the Committee knew the situation of the place well, and could not be imposed upon. For himself he would declare, that it was one of the grossest bubbles that had ever been brought into that House. The second declaration of the petitioners was a recital that the money had been subscribed. But there was no particle of evidence in proof of that allegation, and the Committee had determined that the scheme was not likely to be beneficial to the public, nor likely to afford permanent employment on the line of road. Indeed, unless the House felt disposed to promote jobbing schemes in Ireland, he could not see how it could encourage the further progress of this matter, and satisfied with having done his duty, he should now leave the House to deal with it as he thought fit.

Mr. *William Roche:* The statement of my hon. and learned friend, the member for Dublin (who has just sat down), in reference to the non-production, by the promoters of the Bill, of formal or official proof of the actual payment of the 160,000*l*. stated to have been already paid up, in furtherance of the existing railway, is quite correct. It was at my interposition that the promoters of the bill were afforded opportunity by the Committee, of establishing that point, prior to the Committee coming to a decision (which they were just then about to do) whether the preamble of this extension Bill had been sustained or not, in relation to which, such payment would form no immaterial feature. The parties (both promoters and opponents) were accordingly called in, but the promoters were not prepared with such official or legal proof, though I apprehend they offered collateral evidence, the regularity or sufficiency of which being disputed by the other side, precluded the Committee from admitting it. It may, therefore, have been paid in point of fact, although the Committee could not take formal cognizance of it. If I may be permitted to say a few words on the merits of the matter, I should be disposed to observe that the impression, my mind arrived at, through the conflicting evidence and arguments adduced by the promoters and opponents of this Bill was, that, as regards the extension of the railway to the Dalkey Granite mountains, although probably attended with some advantage in facilitating the carriage, and consequently encouraging a demand for that article, yet that such prospective advantage was not likely to be of that magnitude, as to justify the required expense, and the inconvenience of interfering with Dunleary Asylum harbour, over which it was proposed to carry the road, and a considerable portion of which it would cut off from its present purposes; and, moreover, that there already existed a tram-road, from those quarries to Kingstown harbour, which, in consequence of the inclination of the ground, from the mountains to the harbour, answered sufficiently well all the purposes of a more regular railway. As regards, however, the two other and secondary objects applied for, I entertained a different opinion—I mean, first, that for the shorter, the very short extension of the railway, from its present point of termination to the packet-station at Kingstown harbour—an extension which I conceived, would be equally beneficial to the harbour and to the railroad—an extension not exceeding, I believe, half a mile, and therefore, accomplishable at a small expense. The other point was, the power sought for to authorise an alteration or deviation in the present line of railroad from Dublin to Kingstown, which deviation would, it was represented, save the Company such a sum as 14,000*l.*, and furthermore, shorten and improve the whole line. These two last points, I was and am disposed to concede, as in my mind advantageous, without any concomitant injury.

Mr. *John Talbot* thought, that the undertaking would be of the greatest possible benefit. He believed that all the most material parts of the preamble of the Bill had been proved, though he was willing to admit, that it was not clearly proved, that the required portion of the shares had been subscribed for. One of the greatest evils that afflicted Ireland was, the want of capital and the consequent employment of labour, and as there had been, in his opinion, a *primâ facie* case made out in favour of this Bill, he thought it would be unwise to reject it, as it would tend very much to discourage the employment of capital.

Colonel *Conolly* said, that notwithstanding his connexion with the noble Lord, the proprietor of Kingstown, he felt no difficulty whatever in expressing an opinion on the subject, inasmuch as he considered the prosecution of the work as calculated to confer benefits on the public, totally extrinsic and independent of those which it might be supposed would accrue to the noble proprietor of the town. It appeared to him, that the mode in which hon. Members had argued the question was not the just and proper one, for a great deal had been said as to the judiciousness of the undertaking. Now, he considered, that the question with which the House had to deal was not whether the persons who engaged in the undertaking in 1831 had acted judiciously or not; but the subject matter for their consideration really was, whether now, when time had overcome many of the difficulties which at first existed—now that Lord Cloncurry and Sir Harcourt Lees had withdrawn their opposition—whether or no the railway was to be constructed, at a saving of 18,000*l.*, on the best possible site, or be constructed on the worst possible line, at an increased expense. He thought the construction of the railway would facilitate the export of stone, and also tend to lower the price of coal in the Dublin markets. By extending the line to the quarries, as proposed by the second Bill, the traffic of Dublin would be increased, and considerable employment afforded to the poor. The cost of coal would be diminished by the export of the stone—as many of the colliers, that now take in ballast of a different description, which is totally useless, would, if the railway were extended, return to the western coast freighted with granite blocks, for which they would find a ready market. He would not arrogate to himself the right of judging whether or no the first undertaking was deserving of national support; but this he would say, that the second Bill was calculated to make the line better than the former Bill. He thought he should be wrong, feeling as he did, were he not to state—and he trusted he was not incapacitated from expressing that opinion in consequence of being connected by blood with the noble proprietor of the town — he thought, he said, that, entertaining the feelings he did, he should be wrong were he not to state, that, in his opinion, the extension of the work would be useful to the city of Dublin — would render the harbour of Kingstown of the utmost importance—and furnish employment to a large portion of the starving population of Ireland.

Mr. *W. Wynn* said, that the House was not now called upon to decide upon the merits of the proposed measure. The only question for the House to decide upon was, whether or not the Committee who had sat upon the Bill had done its duty. If there was any allegation that it had failed in that respect, or had refused to hear important evidence, there might be ground for appointing a Committee of Appeal; but if the Committee had discharged its duty fairly and honestly (and he did not know of any allegation to the contrary), the House should be satisfied with its decision.

Mr. *Shaw* felt himself placed under rather peculiar circumstances with regard to the question. He was a member of the Committee, but was not able to bestow upon its duties as much attention as he desired. He was bound, however, to admit, that from such consideration as he had it in his power to give the subject, he was inclined to support the Bill, and had he been present at the vote which was now appealed from, he should have been in the minority. But he considered it a very different question whether or not the House would reverse the decision deliberately come to by the Committee—the intention of the House in passing the Resolution under which the appeal was made being clearly not to correct any error in judgment of a Committee sitting on a private Bill, but to control any impropriety in their conduct; and on principle he was always strongly opposed to withdrawing from the ordinary tribunal the decision of a case within its competency. Though his judgment differed from that of the majority, he did not on that account feel justified in drawing their judgment into question. Nor was he prepared to give a vote condemnatory of and necessarily casting a censure upon, their proceedings. He was sorry so much feeling had been mixed with the case. The petition brought a charge of canvassing against the opponents of the Bill. Now he must say, that if solicitations to attend the Committee be properly termed canvassing, he found such made stronger on the part of the promoters of the Bill than on the other; but so far as regarded soliciting Members to give their time and attention to any particular business, he could not consider that as improper. On the contrary he thought it the duty of the agents and others concerned on both sides; and certainly no person on either side presumed to canvass him in respect of his vote, nor he supposed any other Member, to vote or act in any other way than according to the best of their judgments upon the merits of the case as they might appear in evidence. Papers had been circulated, stating that accusations had been made against the promoters of the Bill, of which accusations he had never heard until he read the papers purporting to be a refutation of them. Another observation upon the case was, that the House would be going a great way in concluding the question in favour of the Bill, were they now to vote for an Appeal Committee, whereas on the other hand by refusing the appeal in any degree, they would prevent the promoters of the Bill from again bringing it forward at the commencement of the next Session. For the reasons he had stated, though he had been and was inclined to support the Bill, he should certainly feel it his duty to vote against granting an appeal.

Mr. *Christopher Fitzsimon* said, he had paid great attention to the whole evidence, and it was, his conscientious belief, that this work, if completed, would not be productive of public benefit. If any person could be benefited by it more than another, it was himself, because it would shorten the road from his property to the city of Dublin full seven miles.

Mr. *Halcombe* said, that the petition stated, that evidence had been given by which the preamble of the Bill was fully proved, but that nevertheless the Committee decided, that it was not proved. The petition referred the House to the evidence, and maintained that the House was unable to come to a sound decision on the subject until the evidence taken before the Committee should be laid on the table.

Lord *Oxmantown*, in reply, observed that the petition stated, that certain members of the Committee had determined to throw out the Bill at all hazards [" *Name* "]. He referred hon. Members to the petition for information on the subject. With respect to the charge brought against him by the hon. member for Dublin of not having attended the Committee regularly, he saw that the discussion was assuming so much of a party question, that he thought it useless to attend. The hon. and learned

Member said, that no affidavit was produced, showing that the money had been regularly paid up. He (Lord Oxmantown) held the affidavit in his hand, and it had been in the possession of the Committee's clerk. After the observations of the right hon. member for Montgomeryshire, who stated, that the only question for the House to decide was, whether the Committee had done its duty to the best of its ability; he should not go into the merits of the case, if the Speaker informed the House that the right hon. Gentleman's opinion was well founded; and not being prepared to impugn the conduct of the Committee, he should ask leave to withdraw his Motion.

The *Speaker* was sure that the noble Lord did not mean that he (the Speaker) should give an opinion on the merits of the question before the House, but merely that he should endeavour, as far as his judgment went, to put the House in possession of his opinion of the origin and intention of this plan of referring the Petition to the Committee of Appeals. He took it for granted that it never was intended that this should be a new mode of trying the merits of any question: the only meaning could have been to give redress to persons complaining of irregularities before private Committees, by which the interests of the petitioners might be prejudiced. If the complaint were that the private Committee had come to a wrong decision, not owing to an erroneous judgment, but by misconduct—for instance, by the exclusion of material evidence, and that by such exclusion of evidence they had come to a premature decision on the case—the decision of the House, in referring the petition to the Committee of Appeals, would then be, not on the merits of the question, but on the conduct of the private Committee. That he took to be the question before the House. The merits of the case were out of the question; and it was not intended, by the vote of the House, to decide upon those merits, except in so far as they were ininvolved in the culpability of the Committee.

Motion withdrawn.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.] On the Motion of Mr. Secretary Stanley, the House resolved itself into a Committee on the Resolutions for Abolishing Slavery.

The Committee proceeded with the further consideration of the 4th Resolution—" That, towards the compensation of the West-Indian proprietors, his Majesty be enabled to grant a sum not exceeding 20,000,000*l.*, to be appropriated as Parliament may hereafter think fit.

Mr. *Robinson* begged to congratulate the House, in the first instance, in having carried the principle, that slavery should be abolished in our colonies. He was confident that the effect of its abolition there would be remotely, if not very soon, the abolition of slavery also in the United States, and in other places where it at present existed. With regard to the question of compensation, which was the only one they had now to consider, he would say, certainly, that, taking into account the sacrifice which would be made by the West-India body, something would be undoubtedly due to them from the people of this country. He was glad that his Majesty's Ministers had adopted the plan of probationary instead of immediate emancipation. If the people of England were sincerely and zealously anxious for the accomplishment of the great object of the abolition of slavery, they should cheerfully pay that amount of compensation which was justly due for the sacrifice thereby occasioned to the properties and fortunes of individuals. Though, there might be no objection to the principle of compensation, there might be a great objection to the mode in which it was proposed that the money should be raised. He, for one would never object to bear his fair proportion, as an individual, of this burthen; but he feared that when the enthusiasm of the people of England on this sub ect subsided they would entertain different feelings, when the Chancellor of the Exchequer would be obliged to levy 800,000*l.*, or 1,000,000*l.* per annum in the shape of additional taxes for the purpose of carrying this measure into effect. As yet they had not had time to have the opinion of the people expressed with regard to the amount of compensation proposed. For his own part, he must protest against this revenue being raised by a tax upon consumable commodities. He did not see why this money should be raised by an additional duty on sugar, an article of such general use that it had almost become a necessary of life. The result would be, that the burthen would principally fall upon the productive and industrious classes in this country, who were already suffering under over-taxation, and who were ill able to bear it. He trusted that the mode of raising this money, which would not be decided by this resolution, would be hereafter, in the progress of the measure, more fairly adjusted. He gave his Majesty's Ministers sincere credit for having carried this measure so far towards its completion, and he hoped that no difficulties would be thrown in the way of its ultimate success.

Lord *Althorp* did not rise to speak to the question generally on this occasion, but he was anxious to take the first opportunity to make a few observations in reply to what had fallen from the hon. member for Worcester. The hon. Member was right in saying that they were not now called upon to decide in what way this sum was to be raised—that was to be decided hereafter. If, however, the House should decide that a grant should be made they would be bound in some way or other to make that grant good. The hon. Member said, that generally the opinion of the people of England had not been expressed on this particular part of the question. Now, that opinion had been strongly expressed in the numerous petitions which had been presented to the House, in which the people stated their readiness to grant any sum of money which might be necessary to carry such a measure into effect. He felt confident that the people of this country, seeing the sacrifice which would be occasioned by carrying of this measure, would not object to the granting such an amount of compensation as that which was now proposed. It should be always recollected by the House that this money would be granted, and only would be paid, when this measure was actually carried into effect. They did not propose to grant this money to the West-Indian body, and then toleave it to the West-Indian Legislatures to carry the provisions of this measure into effect; the money was not only to be granted on the condition that the measure would be carried into effect, but it was not to be paid until after that condition had been fulfilled. He should not enter further into the general question at present, as, no doubt, he would be frequently called upon to address the Committee upon it during the course of the debate, but he had thought it necessary at once to apply himself, as he had done, to the observations of the hon. member for Worcester.

Mr. *Charles Buller,* though as desirous as any man for universal liberty, could not but consider that this was a question intimately interesting to the people, and it was the duty of every honest representative to take care that not one farthing of additional burthen should be laid upon them—oppressed, heavily oppressed, as the people were already. It was most incumbent upon every honest representative to act strictly up to this principle now, when so little thought for the people seemed to be evinced by certain parties in the House. Indeed, he was perfectly astounded at the manner in which compensation was treated by both sides of the House. On the one side there was a readiness to confiscate the property of the planters; on the other a disposition to squander the public money without a parallel. He also condemned the carelessness of the Government in the details of the pecuniary part of the plan. First the Colonial Secretary proposed a loan, then a gift. Then he named fifteen millions, and altered it to twenty. As to the colonists, indeed, he did not see why they might not ask twenty millions as well as fifteen, or a hundred millions as twenty, for, from every appearance, they would find no difficulty in having their demands complied with by his Majesty's reformed and most economical Ministers: indeed, so liberal seemed the Chancellor of the Exchequer of the people's money, that he dared to say, the colonists would not have long to wait for their money, for the Chancellor of the Exchequer has only to double the House and Window-duty and the Malt-tax, and they would be paid, principal and interest, in less than three years. He meant no offence to his Majesty's Government; but he could not help expressing his conscientious feeling that they were showing themselves to be the most dear friends of the colonists, subservient to all their wishes; so much so, that the present plan of Ministers was almost precisely that proposed by the colonists; indeed he should not be at all surprised, before the House rose to hear the right hon. Secretary for the Colonies get up and suggest the expediency of making the twenty millions fifty. He had been considerably surprised by the arguments of more than one Member on either side of the question, but, above all, he had been astounded at a speech made by the hon. member for Middlesex the other night—it was a most unhappy thing for the flock to be thus deserted by the shepherd's dog—he meant no offence by the expression. All he meant to convey was his sorrow, that a man who had so long, like the hon. Member he mentioned, been the guardian of the people, should desert them on such an occasion as this. He certainly had been petrified to hear the same hon. Member talk of twenty millions as a mere trifle, which the people would grant without the least difficulty—who had so often stickled for the saving of twenty pounds to the people. He (Mr. C. Buller) did not for a moment deny but that we were bound to make up to the West-India proprietors the full amount of beneficial right which we take from them by the measure; and however objectionable the property in slaves might be, abstractedly considered, yet as it was a property established by the laws of this country, we were bound to respect it. He approved of gradual emancipation, but partial compensation only ought to accompany gradual emancipation. Now he objected to the right hon. Gentleman's proposal, because it gave full compensation, while the emancipation was only to be gradual. He thought that a less sum than that proposed by the right hon. Gentleman might satisfy the planters. The hon. Member entered into a variety of details as to the value of slaves in the new and old colonies, to show that the compensation proposed was too much. If the planters were to give up their whole property, which was not proposed, the sum for compensation might be reasonable. The right hon. Secretary, in fact, was going to give the planters four times as much as their advocate, the hon. member for Kidderminster, was willing to accept, and had made, as the Representative of the public, a very bad bargain. He must also object to the mode in which that compensation was to be levied, by a tax on sugar, which he considered likely to prevent the beneficial effects of emancipation, and completely to destroy the cultivation of sugar. He should wish to propose, as an Amendment to the plan of the right hon. Secretary, that a more simple and pure adoption should take place of the Spanish system, and that the slaves should work out their own freedom, and pay for it by instalments. He knew, indeed, that his plan would not meet the views of the hon. member for Weymouth; but it had so many advantages that he could not avoid calling the attention of the House to it. If that plan were followed, according to his calculations, the planters would be fully compensated by four or five millions instead of fifteen. The hon. Member entered into a variety of calculations, to show that this would be the result; and that by it the whole of the slaves might be emancipated in six years. If that were the case, if it were both more economical and quicker in its operations, he thought a measure which would give the speediest relief to the slave, without doing any injustice to the master, ought to be adopted. It might, undoubtedly, be objected to this, as to every plan of gradual emancipation, that it was to a certain extent a continuation of slavery—but that objection applied to every species of gradual amelioration. Unless a Government were reformed by a bloody revolution, the improvement must be gradual, and every gradual improvement, whether in government or slavery, necessarily implied a retention for a time of many abuses. If he spoke warmly, it was only out of respect for economy—an observance of which he considered essential; and economy was a virtue in which he thought the Ministers were deficient. He congratulated the House, that at length the fiat had gone forth for the Abolition of Slavery; that it was to proceed from that House, and that it was immediately to be begun. He did not contemplate the probable results with the same eyes as other hon. Members. He did not believe, that it was possible to make the black and white population harmonize together; and he looked forward, without apprehension, to the establishment in the West Indies of a dozen St. Domingos. The negroes would not work so much—they might not work for a master; but he believed that they would be well fed and happy. Whatever might be the results to the Islands—whatever might be the results to our commerce and shipping—it was the duty of the Legislature to effect emancipation, though it was equally its duty to accomplish that with the greatest advantage possible, both to England and the colonies — both to the planters and the slaves.

Mr. *Pryme* agreed in the principles of the right hon. Secretary's plan, but not in all the details; and he regretted that those details had been so much entered into, because that was calculated to promote delay. He considered that the right hon. Secretary's rate of compensation was too high. He had entered into a considerable number of calculations, and he believed that seventeen instead of twenty millions would be a full compensation to the planters, at the greatest value of their property. The planters were at present in great distress; but he was convinced a great part of that distress was caused by their own fault. It was proved before the Committee which sat in 1807, that from

1795 to that time, the planters had gone on increasing the cultivation of sugar to a great extent, and had produced more than the demand would take off. He had examined with great care the tables of the imports and exports of the colonies for periods of five years; and he could say, that from the year 1761 down to 1807, there had been a gradual increase in the importation of negroes, with the single exception of the four years of the American War. The result of that was, that there was a continual over-importation of slaves till the slave trade was extinguished. To that he attributed part of the distress of the planters. With respect to the question of property in slaves, which had been mooted, he denied, that any laws or proclamations warranted the assertion made by the planter, that this country has recognised the present right of property in the slaves. He had examined the Acts and Proclamations referred to by the planters in support of their views, and he was bound to say, that they did not bear out that assertion. He admitted, that the laws had recognised the property of the planters in the slaves they had imported, but those laws never recognised any such property in the offspring of those slaves. There was a clause in the Registry Act which had been relied on by the planters as recognising even the right of property in the offspring. That clause said, that the offspring should have the benefits of registration as well as the parents. It was intended, therefore, to secure benefits to the children—not slavery. It was to guard against the clandestine importation of slaves, and to give the offspring of slaves the same right to this protection as their parents—it was not recognizing in the planters a right of property in that offspring. Where, he should like to know, was the money to be paid to the West-India planters to come from? Was it to come from the pockets of the people of England? Why, the people were on every hand calling out for relief from their present burthens—from the House and Window Duties—from the Malt-tax—in short, the cry throughout the country was for remission of existing taxes, and not for new impositions. The proposed increase of the duty on sugar was very impolitic, and would tend to limit its consumption. It was a point with him to make himself acquainted, as minutely as possible, with the state of all classes of society; and he knew, that there was an increasing desire amongst the labouring classes, to consume more sugar than they did—a desire which was only limited by the present high duties, and which would be effectually extinguished by the imposition of any additional tax. He hoped, therefore, the subject of compensation might be arranged without payment of so large a sum; and, at least, without increasing the present rates of duty on sugar.

Major *Beauclerk* did not intend to trouble the House at any length. He regretted that he felt himself bound to vote against the proposition before the Committee, for he could not help giving the greatest possible credit to his Majesty's Ministers for the manly manner in which they had brought forward and grappled with the difficulties of this very difficult question. He could not, however, support a grant of 20,000,000*l*., under existing circumstances. Not that he objected to the principle of compensation to the planters, but because they had not at present any means of ascertaining what sum would be a fair compensation for their loss. If the right hon. Gentleman were to come down, at the expiration of a year, or further definite time, after the plan had been commenced, and show the House what was the actual yearly loss sustained by the planters upon the cultivation of their estates, then he would not object to give them such an amount as would prove a fair compensation, even though that amount were to exceed 20,000,000*l*. He could not also but object to the 12 years' apprenticeship. It appeared to him to be open to great abuse, and he much feared that when this Bill was wafted across the Atlantic, and the enforcement of its regulations intrusted to the Houses of Assembly, apprenticeship would prove but another name for slavery, and that the Magistrates would be to the full as severe as the planters had hitherto proved. There were two means of making the negro work, either by wages or the lash; and if they took away the latter, they would not make him work without giving him the former. He had no doubt of the right hon. Secretary's conscientious belief in the practicability of the plan—but he could not consent to vote away twenty millions of the public money, unless upon more detailed statements, and more distinct proof than they could at present obtain. If such were obtained he would not hesitate, for it was due to the planters, and to the honour of that House, to give the West-India proprietors fair compensation.

Viscount *Sandon* observed, that he would not trespass upon the attention of the Committee for any great length of time. Many objections had been urged by hon. Gentlemen to others equally as honourable who were of opinion that the West-India planters had not a property in the slaves. Now, if they had not, whence came the first motion of compensation for the losses of the planters by the fact of the emancipation of the slaves? In his opinion, however, under the present circumstances, the more prudent course for all the parties interested to pursue, would be that of conciliation; for in any other case, neither could tell the consequences which might very speedily ensue. Surrounded as this great question was with difficulties, it must be evident to every one, that the Legislature was bound to proceed in the most cautious manner. A false step now committed could not be easily remedied, even at no very distant day. Many apprehensions were to be overcome in the case of the negro, as well as in that of the planter, and it was only to a gradual transition in the condition of either that the objects of both could be really and fairly accomplished. Suppose the compensation required for the planter was to be stated merely at seventeen millions and a-half, why, he would ask, would not the payment of that sum be considered as an extremely profitable bargain, if it could be made the means of securing an accommodation between the parties? Suppose a little increase would more easily secure it, ought much difficulty to prevail respecting it? He would not object to the measure of compensation proposed to be given to the planters, provided it could be made apparent that such a sum as 20,000,000*l.* would be sufficient to screen West-India property from loss. He did not believe it would, and he, therefore, considered that both in justice and common honesty, they ought to receive 25,000,000*l.* for a less sum, he was convinced, would not save them harmless. The hon. member for Cambridge (Mr. Pryme) had calculated the loss at 17,500,000*l.*; but he (Lord Sandon) should be able to show, that it could not be covered by any less sum than 25,000,000*l.* The gross amount of West-India produce annually exported, was about 10,000,000*l.*, and that consumed in the colonies about 2,400,000*l.* As they proposed to diminish a fourth of the labour, they would diminish the produce by one-fourth and thus in exports about 2,500,000*l.* would be taken away from the West-India proprietors. And what did they propose to give them in exchange? Twenty millions, which at 5*l.* per cent. would produce only 1,000,000*l.* per annum; or, in another point of view, it might be considered that they were giving them only eight years' purchase. It was unjust, he contended, to inflict any such injury upon West-India property; but he sincerely regretted that the loan of 10,000,000*l.*, which the colonies had asked as a boon, had not been granted to them, as the effect of such a concession would have been, to conciliate the West-India proprietors, and obtain their co-operation in carrying this great experiment into proper effect. If the Government really wished for the assistance of that body (and without it their plan would be worth nothing), they should implore Parliament not to deal hardly with the planters.

Mr. *Jervis* was perfectly ready to give to the West-India proprietors such just and fair compensation as they were really entitled to; but he would give them no more. He, however, could not understand how it was, that they laid claim to compensation as a matter of right, or that the Government were to give such a sum of the public money for the purchase of conciliation, at a period when the noble Lord (Lord Althorp) absolutely refused to remit to the people of England any portion of the heavy taxation under which they suffered. If the people had been aware that slave emancipation was to be obtained at an expense like this to their own country, they most assuredly would have paused before they crowded the Table of that House with petitions on the subject. When they did know the means by which it was to be accomplished, he was satisfied in his own mind that many of them, if the opportunity were afforded to them, would revoke the appeals which they had made. But, after the Resolution they had passed, the House might be considered pledged to the abolition of slavery; and the only question that remained to be determined, was, what amount of compensation were the planters entitled to receive. They had not been fully informed upon this part of the case, nor had it been stated how, or by what means, such a sum as that proposed to be given was to be raised. But it should not be forgotten, that compensation was to be made, and a large sum raised at a time when the noble Lord refused to take off the Malt-duty, or the House and Window-tax, without a substitute like the Property-tax, the country being as averse from one as from the other. At first, the right hon. Secretary, no doubt after full deliberation and inquiry, thought a loan of 15,000,000*l.* would have been enough to work out slavery; but what was now his proposition? Why, that they should grant 20,000,000*l.*, not, it should be borne in mind, as a loan, but as a gift, for this same purpose. He, however, supposed the object of the right hon. Secretary to be merely to ascertain the feeling of the House; but as well might the Government lavish millions of the public money in conciliating hon. Members on that side of the House towards their measures, as purchase the co-operation of the West India proprietors. If they were to give 5,000,000*l.* away for such a purpose, he repeated they might just as well go back to the old rotten-borough system. This plan had been described by the right hon. Secretary as a great experiment, but he (Mr. Jervis) wished to know, if they would be acting wisely in giving the public money away before the experiment had been tried. Such a course seemed to him, he must confess, very like legislating in the dark. The noble Lord (Lord Sandon) had said, that the colonies would sustain a loss of 1,500,000*l.* But how stood the fact? Why, that although there might be a loss of 1,500,000*l.* for twelve years, the West India proprietors would obtain in perpetuity 1,000,000*l.* annually; so that, instead of being losers, they would be immense gainers by the bargain. The right hon. Secretary, and others, also contended, that the abolition of slavery would be an advantage to the planters; that free labour was cheaper than slave labour; and therefore they were now called upon to pay the planter for conferring a benefit on him. Although, as he had said before, he was desirous that all just and proper compensation should be given to the planters, he must object to the public money being disposed of, without inquiry as to the amount of injury which West-India property was likely to sustain by the measure. That should be made out clearly before they voted one sixpence. It had been said, that the mortgagees of colonial property would be losers; but the evidence which had been taken on that head went to prove, that no injustice whatever would be done to them further than obliging them to receive back their principal, and relinquish a high rate of interest. By the present system it was well known, that by means of agency, brokerage, and other incidents, they got as much as 25 per cent upon their capital. It could not be denied that, for the money which they had advanced, they obtained very large profits. The effect of the Government plan would be to burthen this country with 1,000,000*l.* a-year more. But where was the prospect of their being able to raise such a sum? The people of England called out in vain for a reduction of taxes, but the noble Lord (Lord Althorp) told them that he could not take off a single shilling, without endangering the public credit; and yet, with this fact before them, the right hon. Gentleman proposed adding to the burthens of the country in order to buy the co-operation of the planters. He could not concur in the policy which the right hon. Gentleman had adopted in this particular, and therefore he must vote against his proposition.

Mr. Secretary *Stanley* said, that two attacks had been made upon the Government that evening, the latter of which he felt himself called upon to lose no time in noticing. In the early stages of the discussion, one class of reasoners had professed the most extraordinary anxiety to see the termination of slavery, professing at the same time the most violent attachment to liberty in the abstract, but wishing justice to be done to all parties; but he was afraid, that if the slaves had depended on their exertions for their emancipation, they would have experienced but little advantage. It had now met the opposition of a class of persons adopting a similar style of reasoning, though professing to take a different view of the question. These latter individuals had not the least objection to compensation in the abstract, though they were ready enough to find objections to any particular application. The hon. Gentleman who had just sat down seemed to belong to this class of reasoners; for, while he professed his willingness to grant compensation in the abstract, he evinced no desire to satisfy those whom it was no less the duty, than the interest of that House, to conciliate. He did not doubt that compensation in the abstract ought to be given; but, agreeing with those who thought the advantage of the planters would be promoted by free labour, he seemed to imagine that they were the parties by whom it ought to be paid. The calculations into which the hon. Gentleman had entered, were, to him (Mr. Stanley), altogether unintelligible; for he was unable to comprehend how they could at the same time diminish the value and security of West-India property, and confer a benefit on the planter. The hon. Member had said, that the House was about to legislate in the dark, without inquiry. He (Mr. Stanley) did not think, that the speech of the hon. Gentleman would very much enlighten the country upon the subject. The hon. Gentleman had said, that free labour would be cheaper than slave labour, and that the planters ought to make a compensation. That argument had been before stated and refuted. It might be cheaper to hire horses than to keep them; but was he to follow the directions of a friend who might say, " Give your own horses to me, that you may use hired horses, and give me a compensation into the bargain, for informing you how you may get your work done cheap." It was said, that by the Resolution which had passed the other night, the termination of slavery was inevitable. He acquiesced in that proposition, and he said boldly to the House: " You have carried the question of slavery, the question for the House and the country to decide is, whether you will carry it consistently with honesty." It had at one time entered into the contemplation of Government to separate the question of slavery from the details, and make two distinct measures; but they were deterred from that course, by the possibility that one measure might pass the House of Commons, and that by some means or other, the other measure might miscarry. They therefore determined, that the same packet which carried out the Resolutions, pledging the House of Commons to the termination of slavery, should also carry out a pledge that the termination of slavery should be accompanied with a due regard to the interests of the proprietors. He should, indeed, feel great remorse, if he could believe that, after consenting to the first Resolution, the House would negative the other Resolutions. It was said, that if the country had known that this large sum of money must be paid, there would not have been so many petitions upon the subject. It was incorrect, it would be an injustice to the people of England, to say, that the moral and religious feeling which had led them to advocate the abolition of slavery could have been turned aside by any pecuniary considerations; and the question which the Committee had now to resolve was, whether or not they would render the paper on which the Resolutions were written mere waste, or convert it into a real and practical purpose? Of those who objected to compensation as a means of conciliating the West-India proprietors, he would ask whether they had never heard of such a thing as purchasing the good will of premises to obtain a particular object? It was his firm opinion that if they could purchase the co-operation of the colonists for 2,000,000*l.*, 3,000,000*l.*, or even 5,000,000*l.*, in carrying this great measure into effect, the money would be judiciously laid out, for might not their assistance be a great advantage to this country, and at the same time prevent an effusion of blood? They must all be aware that without conciliation the colonies would obstinately resist any plan the Government might propose for their adoption; but if they were only to take into consideration the value of the slaves to be liberated, they must be convinced that the compensation proposed to be given was not too great. It should be recollected that when he asked for a loan of 15,000,000*l.* for the planters he intended that it should be repaid out of the wages of the negro; and that in addition to this the slave would have to pay by instalments the price that might be set upon him by his master. With reference to this country he granted, that nothing more than a loan was at first contemplated; but with regard to the colonies the proposition amounted to an actual grant of 15,000,000*l.* There was nothing inconsistent between the first and last propositions which he had made. The hon. Gentleman thought the alteration which he had made in his proposition with respect to compensation was put forward merely to feel the pulse of the House. But was there anything unusual in Government endeavouring to ascertain the feeling of Parliament upon a question so gigantic, so encompassed with difficulties, and with respect to which there were so many conflicting and irreconcilable opinions as this? He was sure that there was not, and he should be borne out by facts when he asserted, that no measure of any importance had ever passed through the Legislature without in its progress concessions being made to parties on the one side and the other, for the purpose of conciliation, as had been made on the present occasion. The increase of the compensation was no secret to the country, but was openly proposed upon the ground of fairness and justice. Upon further calculations the Government saw, that an additional

5,000,000*l.* would be more likely to secure to them the object which was so desirable, the co-operation of the proprietors. The hon. member for Cambridge thought the sum of 20,000,000*l.* too large, and made the proper amount according to his own calculations, 17,500,000*l.* But the hon. Member forgot that in the plan the planter was deprived of one-fourth the value of his slaves, while he was left with the burthen of supporting the whole. This would appear more clearly in putting the case of four slaves, and supposing that you took one away instead of taking one-fourth of a slave's labour. When they had taken away the labour of one slave, did they leave the master only three to support? No; he had to provide for the whole four. It was, therefore, a fallacy to calculate upon the principle that they were only depriving the master of one-fourth. There was, it was said, a great probability that the apprenticeship would end in less than twelve years, and he believed that there was good ground in many instances for expecting that such would be the result; yet he thought it right to calculate upon the whole period, lest they should be disappointed in those expectations. When the Government were accused of not having made precisely accurate calculations upon the subject, he begged the House to recollect the extreme difference of opinion which prevailed with respect to the value of the slaves; for instance, the hon. member for Liskeard estimated them at only 4,000,000*l.*, while the first claim made by the West-Indian interest was for no less a sum than 44,000,000*l.* He admitted, therefore, that there was a difficulty of ascertaining the actual value of the slave to within 5*l.* a-head, and if it should turn out that the value was 45*l.* instead of 40*l.* then, according to the calculation of the hon. member for Cambridge, the amount of compensation would be 20,000,000*l.* With all possible desire to be saving of the public money, he must say, that this was not a case in which to indulge parsimonious economy. If a majority should be found to defeat the proposition before the Committee, they would not only commit an act of injustice to the West-India proprietors, but run the risk of defeating the whole plan, and, he believed, that before many years passed over they would learn, by fatal and bloody experience, that they had consulted a false and pitiful economy in reducing the proposed grant.

Mr. *Richard Potter* said, he felt as great a wish as any Gentleman for the abolition of colonial slavery, but he could not consent to purchase it at so high a price as that proposed by the right hon. Gentleman. At a time when the country was so anxious and pressing for a reduction of taxes, what would be their feelings when they learned that a considerable addition must be made to their burthens, if the plan proposed was adopted; for, in addition to the grant to the planters of the enormous sum of 20,000,000*l.*, the next Resolution contemplated the establishment of stipendiary Magistrates, and a police force, as well as a system for the moral and religious education of the negroes, when free. These establishments would require a considerable sum, in addition to the interest of the 20,000,000*l.*, and would entail, he felt convinced, an annual expenditure of considerably more than 1,000,000*l.* He was sure this would create great discontent in the country, and ought to be opposed. If the original plan of granting a loan of 15,000,000*l.*, with proper security could be carried into effect, he would say let the planters have the money; if not, he should prefer the abolition of slavery to be effected by an Act, declaring that the children of the negroes, born after a period to be fixed by Parliament, should be free.

Mr. *Clay* had been favourably situated for ascertaining the opinions of a great number of persons on this subject, and he could assert, that the people of this country never contemplated emancipation unaccompanied by compensation to the planters. The West-Indian proprietors had no claim against the negroes, but they had against the mother country. He agreed with the right hon. Secretary as to the necessity of granting emancipation, and also in the opinion that emancipation ought not to take place without compensation. He would go further, and say that compensation ought not to be dealt out with a niggardly hand. On the contrary, he would assert, that the country had no right to indulge in the luxury of doing good at the expense of others. There was one branch of the subject which had not been alluded to, but which was of paramount importance to the people of England. He would grant a liberal compensation to the West-Indian planters, but, in return, he demanded that the colonial trade should be relieved from the shackles which were imposed upon it. The sugar refiners of this country were at present nearly overwhelmed with ruin, from no other cause than being compelled to use only sugar which was produced in the British colonies, which being of a higher price than the sugar on the continent, the consequence was, that the continental manufacturers were displacing us in all the markets of Europe. The people of this country were paying not less than 1,500,000*l.* a-year in consequence of the monopoly enjoyed by the colonists. The quantity of sugar refined last year, and exported, amounted to 450,000 cwt., and unless he was much misinformed, the crop for the present year, as compared with that of last year, was expected to exhibit a deficiency of about that quantity. Now, let the House consider the situation in which not only the sugar refiners but the people of this country were placed under these circumstances. In consequence of the monopoly the sugar refiners would be compelled to come into the market, where there was only a sufficient quantity for home consumption; and thus the price would be raised to the people of England. He would state a circumstance to illustrate the manner in which the monopoly worked. Last week some Porto Rico sugar, which any one acquainted with the subject knew was precisely the same as that called Muscovado sugar, which was used by the refiners, sold in the city for 22*s.* per cwt., and at the same time English colonial sugar was selling for not less than 29*s.* per cwt. Here was an actual loss of 7*s.* per cwt. to the English consumer in consequence of the monopoly, which upon 450,000 cwt., the quantity refined and exported last year, amounted to a gross annual loss of 1,500,000*l.* Relief from this monopoly would be cheaply purchased by granting the West-India proprietors the full amount of the compensation proposed by the right hon. Secretary. He hoped the Chancellor of the Exchequer would give some explanations as to the intentions of Government on this point, for his vote would be biassed by the determination of Ministers, as to continuing or destroying this monopoly.

Mr. *Fowell Buxton* said, the right hon. Gentleman had last night stated, that no sum should be paid to the planters, until the whole of the proposed regulations were carried into effect. He (Mr. Buxton) presumed that that meant until the apprenticeships had expired. His object was, if possible, to reduce the term of those apprenticeships. There was one point on which they must all agree—namely, that the sooner the negro mind could be brought under the action of healthy motives, the better. He was about to propose a mode, in addition to the compensation, which would induce the planters to exert themselves in order to produce that favourable impression on the negro mind. He proposed to move, as an Amendment to the right hon. Gentleman's Motion, that half the amount of the compensation should not be paid until the period of the apprenticeship of the negroes had expired, and until the negroes were put in full possession of all the rights and privileges enjoyed by all other classes of his Majesty's subjects in the colonies. He cheerfully voted for the compensation to the planters; he knew that it would be greatly to the advantage of the negroes; but he should pay it still more cheerfully if he could accelerate the period when the negroes would be free labourers, and would enjoy free wages. The planter had it greatly in his power to advance or to retard the civilization of the negro. If he confined the negro to day labour, there would be little hope that more advance would take place than had occurred during the last two centuries; but if the planter chose to pursue another course there was no doubt that he might speedily improve the negro mind. Feeling that the Amendment to which he had adverted would act as a powerful stimulus on the planter, he now begged leave to propose it.

Mr. *Godson* congratulated the House upon the prospect of arriving at a satisfactory conclusion of this important question, and was glad to find, that in the end the planters were to be the subjects of a word of kindness from the hon. member for Weymouth. He believed that the term of apprenticeship would be much shorter than that named by the right hon. Secretary; for, as the hon. member for Weymouth and those who acted under him would never cease to agitate the colonies while an apprentice remained, he thought that two or three years would be the longest term they would have to serve, as their masters would be very glad to be relieved from them. About Christmas twelvemonth, probably, in Jamaica the whole of the apprenticeships would be at an end. The grant now proposed would enable the planters to effect this, if, as he expected, they should receive the additional assistance of votes of credit; he did not mean to be advanced to the planters, but to be employed upon the necessary internal improvement of the colony. The news of the proposed measures in that colony had already been attended with good effect, in the expectation that the mother country was to act in union with the Legislative Assemblies. In one of the papers last received, the opinion of the colony was thus expressed. 'On one point we cannot resist the expression of our gratification: 'Lords Grey and Brougham have admitted 'our slaves to be property, and are talking 'of raising a loan of thirty millions sterling, 'to compensate the owner. This is a great 'point gained; and although it is evident 'the British Government can only pay '6*s.* 8*d.* in the 1*l.*, we are willing to receive 'it, and to join cordially in her views, to 'encourage any regulations for the future 'benefit of the planter as well as the slaves.' In another paper it was asserted that if injustice was done them, the colonists would remember that an Act of the British Parliament was not law until it had the sanction of the local Legislatures, and that if any attempt were made to force such law upon them they were bound to resist it to the utmost. This showed that, while the planters were willing to be conciliated, yet they were also determined to assert their rights. The elections which had recently taken place proved that, with proper treatment from the Mother Country, such a consummation of this great plan would soon be brought about as all men must wish to see.

Mr. *Ewart* entirely concurred in the opinions of the hon. member for the Tower Hamlets. He was quite willing to grant compensation to the planter, on condition that that measure should be accompanied with a stipulation for the unrestricted liberty of commerce. Every day that we remained at peace, the removal of the West-India monopoly became not only more politic, but more indispensable; for if it were not removed, we should be unable long to compete in the market with foreign nations.

Mr. *Rigby Wason* was not disposed to give the planter a shilling in the form of compensation, until it was proved that a loss had been sustained. He utterly denied the validity of the arguments which had been urged on the subject upon a former night by the noble Lord and the right hon. Gentleman; and he would endeavour to prove to the Committee that those arguments were entirely unfounded. The hon. Member quoted a variety of opinions to show that it had been held that compensation was not to be given to individuals for loss of property occasioned by a measure which was to promote the general good, but the continued noise rendered the hon. Member nearly inaudible. He had a right to be heard; he insisted on attention, and unless he received it, he would move the adjournment of the House. After making several efforts to be heard, which were not very successful, the hon. Gentleman concluded by stating that he would, at the proper time, move the following amendment:—

1. That every negro who shall register himself as an apprentice to the estate where he now resides, for the terms hereinafter mentioned, shall be free. If between the ages of seven and twelve, the term of fourteen years; between twelve and fifteen, ten years; between fifteen and twenty, seven years; between twenty and twenty-five, five years; between twenty-five and upwards, five years, or for life, at option of negro.

2. That, at the expiration of such respective terms, the apprentice shall be at liberty to work wherever he pleases.

3. That his most gracious Majesty may appoint an officer in each of the colonies to act as police Magistrate and protector of apprentices.

4. That such officer shall fix the rate of wages to be paid to the apprentice, either as individuals or in classes, and shall also receive a portion of such wages for the maintenance of aged and infirm negroes.

5. That such officer shall have power to extend the respective terms of apprenticeship upon its being satisfactorily proved that the apprentice has neglected his work.

6. That such officer shall have power to advance to each proprietor, who shall request such advance, a weekly sum for the payment of wages, corresponding to the number of apprentices upon his estate.

7. That all such advances shall constitute the first lien upon the produce of the estate.

8. That the expense of such efficient police establishment as shall be recommended by the local legislature in each island shall be borne as follows; one-half by a tax on property in each island, the remainder out of the produce of sugar-duties paid in this country.

9. That such property-tax shall constitute the second lien upon the produce of the estate.

10. That the expense of a general system of moral and religious education shall be defrayed out of the surplus revenues of the Irish Church Establishment.

Lord *Althorp* could easily imagine how those who agreed with the hon. member for Weymouth that the negro should be at once entirely emancipated without any probationary period of preparation, might consistently vote for that hon. Member's Amendment; but for the very same reason he could not see on what ground the advocates

— the large majority of that House — of a probationary period could justify his voting for that Amendment. The House had sanctioned the principle of a probationary period, as essential to the welfare of the slave himself before he was placed in a state of freedom; it was therefore bound to provide that the period of probation be sufficiently prolonged to ensure the requisite fitness. The hon. Member's amendment reduced that period to a minimum; but if it were necessary at all, it should be duly apportioned as a means to the end they all had in view. He agreed with the hon. member (Mr. Clay) for the Tower Hamlets, that it was impossible the present restricted system of sugar refining could be persisted in. He was, indeed, free to admit, that the home consumption of sugar should be ensured to our West-India producer, but was also bound to admit, that the importation of foreign sugar for refining for exportation should not be as restricted as it was at present. It might be asked, why, then, had he not brought forward a measure to remove this impolitic restriction on the refining of foreign sugar? The answer was, that it would be inexpedient, as a question of time, till the West-India question was settled. With respect to the question more particularly before the House, he admitted that the sum proposed for compensation to the West-India proprietors was a large one; but as they were all agreed that some compensation should be afforded, and as it was of the most essential importance to the success of any plan of abolition that the colonial authorities should cordially co-operate in carrying its arrangements into effect, and as Ministers had been assured by the West-India interest, that it would so cordially co-operate if the present amount of compensation were given, and as, on the face of the matter, it was plain that that House, legislating there, could not possibly devise those laws and regulations of detail which would appear to the Colonial Legislature as expedient and necessary—he thought the House and the public would agree with him that they were not purchasing the assistance of the colonial authorities at too high a price. While the probationary period would guard the colonies and the negro himself against the danger, the bloodshed, and strife, consequent upon a sudden change from galling slavery to unrestricted freedom, this compensation would, he repeated, ensure them the cordial co-operation of the Colonial Legislatures; and surely such an end was worth the sacrifice. It would indeed be unfortunate, that they should have proceeded so far in their career, and then stop short on a mere question of amount of compensation—that they should have passed a solemn resolution declaring that slavery should be at an end in the British colonies, and then deprive the Executive of the means of following up that Resolution to a practical conclusion. The amendment of the hon. member for Weymouth would produce this prejudicial effect. He therefore, need not say, that he should consider it as one of the most fatal the House could adopt, confident that the country would ratify the vote of compensation, as it would ensure them the cordial co-operation of the local legislatures to carrying its own beneficent views into actual operation.

Viscount *Howick,* in supporting the amendment of his hon. friend (Mr. Buxton), did not thereby mean to negative the principle of compensation. Neither did he mean to formally resist its actual amount —though he was satisfied it was much higher than was necessary, or than the West-India interest could have been brought to accede to—because he agreed with his noble friend as to the desirableness of their having the cordial aid of the local legislatures in carrying their views into effect. All that he wanted was, that they should not expend so large a sum of the public money without insuring the public the greatest advantages of the outlay. Now, he conceived the proposition of his hon. friend was well calculated to attain this end, as it went to make the payment of half of the compensation dependent upon the *bonâ fide* and perfect co-operation of the colonists with the decisions of that House. He could not admit to his noble friend, that this arrangement would necessarily minimize the period of probation; the planters had too great an interest in the apprenticeship system to shorten it more than Parliament would seem to think expedient. Indeed, the bias of the planter would naturally set so strongly on the other side—the prolonging the probationary period — that he thought it expedient that they should counteract it by the pecuniary motive implied by his hon. friend's Amendment.

Sir *Robert Inglis* cordially supported the Ministerial proposition, and would most willingly bear his share of the necessary burthen.

Mr. *Wolryche Whitmore* would vote for the Motion, on the understanding that the two questions, as to the duties on sugar, and the refining of sugar, should be considered open questions.

Colonel *Evans* said, that the country would view the proposition about the 20,000,000*l.* with much more satisfaction, if preparatory measures had been adopted in the way of extensive reduction in the national expenditure. Such a sum as 20,000,000*l.*, under present circumstances, was perfectly preposterous, and he would move an amendment to that effect. [The Chairman informed the hon. and gallant Member, that there was already one amendment before the Committee.] He would postpone it then for the moment, but would, at the proper time, bring it forward for the adoption of the Committee.

Mr. *Pease* could not consent to the vote then under the consideration of the Committee, when he remembered the circumstances under which it was proposed, and when, at the same time, he bore in mind, that, of necessity, it could not prove of any essential benefit to the West-India body. In his judgment, the House could not, with any propriety, agree to any plan of compensation until the great measure of abolition was carried into effect. If they thus agreed to compensation in the first instance, all the money would go into the hands of the mortgagees, and those who were the owners of slaves, would derive no advantage from the arrangement.

Mr. *Baring* rose to address the House which manifested great impatience. He said, that the House was often perfectly patient under the most lengthened arguments on the most trumpery salaries, and therefore he thought it was scarcely becoming in the House to manifest impatience when a sum of 20,000,000*l.* was at stake. He could not help complaining that the promoters of the measure had not condescended to inform them in what manner the 20,000,000*l.* was to be raised, or how distributed. He acknowledged that he had not heard any part of the previous debate, and therefore he should be glad to hear some explanation of the mode in which the acquirement of that money was to be effected, and when obtained, how it was to be disposed of [*A laugh*]. Hon. Members might laugh, but he would contend that the matter under consideration was very serious. As he understood the arguments of the hon. Members on the other side, they amounted to this, that the planters would derive great eventual advantage from the emancipation of the slaves, and yet they were most anxious, in addition to this benefit, to afford them compensation for some supposed loss. In his apprehension nothing could be more inconsistent with itself than was that argument. The present Resolution imposed upon the House and the country a very weighty obligation; and what he wanted to know was, how that obligation was to be fulfilled? All the public establishments of the country had been pared down to the lowest point—the Executive had reduced the revenue to the lowest possible point, and they had deprived themselves of the power of raising the revenue again, by consenting to the demands for reduction. He must protest against that mode of voting away the public money, and without any information from the Government as to the mode in which it was to be raised or distributed. He would not consent thus to have the money of the people voted away, though such vote might tend to pacify some Gentlemen connected with the West-India body. The right hon. Gentleman might have made his peace with the delegates of the West-India interest, but with that he (Mr. Baring) had nothing to do; he had nothing to do with any one but his constituents.

Mr. Secretary *Stanley* said, that he entertained great respect for the hon. member for Essex, but he entertained still higher respect for the House, and was anxious to save its time. It had then been sitting from six o'clock till twelve; and, though the hon. member for Essex might have been very agreeably employed—more agreeably than in listening to debates in that House—yet perhaps it would have been more becoming in him to address himself to the matter really under consideration, than to treat it with such indecent levity. The hon. Gentleman had told them, that he wanted to know the arguments by which the promoters of the measure had supported their views: if he did feel such an anxiety upon the subject, he had much better have attended in his place, and have listened to the statements and observations made on that side of the House. He was sure the House would not consent that those arguments should be repeated, even if any one were disposed to indulge the hon. Member with the repetition of them. In the course of to-morrow, the greater part of their constituents would be made aware of all that had taken place that night upon the question before the House; and he really must be allowed to refer the hon. Gentleman to the same channels of information through which the country at large was usually made acquainted with what took place in that House. The hon. member for Essex seemed to apprehend the worst consequences from the proposed measure. He would ask the hon. Member, was he serious in supposing that the granting or the denial of compensation would tend, the one to tranquillize, and the other to disturb and excite the monied, mercantile, and commercial portions of the community? As to the Colonial Legislatures, he had only to observe, that no act would be done—no step taken—without giving them an opportunity of expressing their sentiments.

Mr. *Briscoe*, amidst loud cries of "Question," objected to more than fifteen millions being granted, indeed, he thought eight or nine would be sufficient for the purpose. At the same time that he begged it to be understood that he was the advocate of a fair and liberal compensation.

The Committee divided on Mr. Fowell Buxton's Amendment: Ayes 142; Noes 277—Majority 135.

It also divided on Mr. Wason's Amendment: Ayes 21; Noes 383—Majority 362.

It also divided on Col. Evans's Amendment, that the mode of compensation should consist in lowering the duties on West-India produce: Ayes 22; Noes 346—Majority 324.

Mr. Briscoe moved, that the words "Fifteen Millions" be substituted for "Twenty Millions."

The Committee again divided: Ayes 56; Noes 304—Majority 248.

The Committee then divided on the Original Resolution: Ayes 286; Noes 77—Majority 209.

Mr. Secretary *Stanley* stated, that the packet had been detained that it might carry out to the colonies the decision of Parliament on the propositions of Government, and he therefore felt bound to press the next Resolution:—"That his Majesty be enabled to defray any such expense as he may incur in establishing an efficient stipendiary magistracy in the colonies, and in aiding the local legislatures in providing for the religious and moral education of the negro population to be emancipated."

Mr. *Baring* objected to any additional expense whatever.

Mr. *Buxton*, late as it was, must propose the introduction, in the latter part of the Resolution, of the words, "on liberal and comprehensive principles."

Mr. *Secretary Stanley* said, that as it was not the wish of Government that any exclusive system of religious education should be adopted, he had no objection to the introduction of the proposed words.

The Resolution, as amended, agreed to.

Mr. *Rigby Wason* proposed the following Resolution:—"That whatever expense may be incurred in carrying into effect the plan proposed by Government, shall be defrayed by a tax on property in this country."

Negatived without a division.

The House resumed. The Resolutions to be reported.

The AYES *on Mr. Briscoe's Amendment (The fourth division).*

Aglionby, H. A.
Bainbridge, E. T.
Baldwin, Dr.
Baring, A.
Bellew, R. N.
Blamire, W.
Bowes, J.
Briscoe, J. I.
Bruce, Lord E.
Buller, C.
Bulwer, H. L.
Cayley, E. S.
Chandos, Viscount
Chapman, M. L.
Collier, J.
Curteis, H. B.
Dick, Q.
Evans, Colonel
Ewart, W.
Fryer, R.
Gaskell, D.
Gillon, W. D.
Goring, H. D.
Gully, J.
Handley, Major
Hardy, J.
Harland, W. C.
Hawes, B.
Hughes, H.
Hutt, W.
Ingilby, Sir W.
Jervis, J.
Kennedy, H.
King, E. B.
Lister, E. C.
Lloyd, J. H.
Marshall, J.
Martin, J.
Methuen, P.
Parrott, J.
Pease, J.
Potter, R.
Pryme, G.
Rippon, C.
Robinson, G. R.
Roche, W.
Romilly, J.
Ruthven, E. S.
Ruthven, E.
Seale, Colonel
Tennyson, Rt. Hon. C.
Trelawney, W. L. S.
Tyrell, Sir J.
Walter, J.

PAIRED OFF.

Nagle, Sir R.
O'Connell, M.
Scholefield, J.

The NOES *on the original Resolution (The last division).*

Aglionby, H. A.
Baldwin, Dr.
Baring, A.
Barry, G. S.
Bayntun, Captain
Bellew, R. N.
Blake, M. J.
Boss, Captain
Bowes, J.
Briscoe, J. I.
Bruce, Lord E.
Buckingham, J. S.
Bulwer, H. L.
Bulwer, E. L.
Butler, Colonel
Chandos, Marquess
Chapman, M. L.
Cobbett, W.
Cornish, J.
Curteis, H. B.
Dick, Q.
Don, O'Conor
Evans, Colonel
Ewart, W.
Faithfull, G.
Feilden, W.
Fitzsimon, C.
Fitzsimon, N.
Fryer, R.
Gaskell, D.
Gillon, W. D.
Goring, H. D.

Guest, J. J.
Gully, J.
Hall, B.
Hardy, J.
Harland, W. C.
Hawes, B.
Hughes, H.
Hutt, W.
Jervis, J.
Kennedy, J.
King, E. B.
Lister, E. C.
Lloyd, J. H.
Macnamara, W. N.
Marshall, J.
Marsland, T.
Methuen, P.
Mills, J.
O'Brien, C.
O'Connell, D.
O'Connell, M.
O'Connell, J.
Parrott, J.
Pease, J.
Philips, M.
Potter, R.
Pryme, G.
Richards, J.
Rippon, C.
Robinson, G. R.
Roche, W.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Tennyson, Rt. Hon. C.
Thicknesse, R.
Tooke, W.
Tynte, C. J. K.
Tyrell, Sir J.
Vigors, N. A.
Walker, R.
Walter, J.
Wason, R.
Watkins, J.
Whalley, Sir S.
Wigney, I. N.
Yelverton, Hon. W.

HOUSE OF COMMONS,

Wednesday, June 12, 1833.

MINUTES.] Bills. Read a third time:—Stamp Duties.—Read a second time:—Inclosure Awards.

Petitions presented. By Mr. DUGDALE, from the Clergy of Coventry, against the Irish Church Temporalities Bill.—By Mr. CARTWRIGHT, from Ludlow, and other Places, against the Sale of Beer Act.—By Mr. ROEBUCK, from the Retail Sellers of Beer of Bristol, to be put upon a Footing with the Licensed Victuallers.—By Lord DUNCANNON, from a Parish in Nottingham, for Poor Laws to Ireland.—By Mr. G. FERGUSON, from Banffshire, for an alteration in the Heirs of Entail (Scotland) Bill.—By Mr. FITZGERALD, from Dundalk, for the Repeal of Probate Duty on Bequests of small Amount.—By Mr. E. RUTHVEN, from two Places, for a Mitigation of the Criminal Code.—By Mr. R. OSWALD, from Ayrshire, for an Alteration of the Bankrupt Laws (Scotland); from the Society of Writers in Ayr, for the Repeal of the Duty on Attornies Certificates; and from Galston, for an Alteration in the present System of Church Patronage in Scotland.—By Mr. CALLANDER, from Dunoon, for communicating Religious Instruction in the Irish Language.—By Mr. DOBBIN, from Armagh, for the Abolition of Slavery.—By Lord ACHESON, Mr. DOBBIN, Mr. BRIGSTOCK, Mr. CALLANDER, and an HON. MEMBER, from several Places,—for the Better Observance of the Sabbath.—By Mr. LAMBERT, from two Places, for the Extinction of Tithes in Ireland.—By Lord ACHESON, from seven Places, against Slavery.—By Mr. JAMES KENNEDY, and Mr. PARROTT, from two Places,—against certain Provisions in the Tithe Commutation Bill.—By Mr. RIDER, and Colonel WOOD, from several Places,—for the Repeal of the Malt Tax.—By Mr. HYETT, from Bisley; and by Mr. HODGES, from Gravesend and Milton,—against any sudden Alteration in the East-India Company's Charter.—By Mr. GILLON, from Paisley, for the Abolition of the Protestant Episcopalian Church in Ireland.—By Sir JOHN HAY, and Mr. GILLON, from two Places,—for an Alteration in the Royal Burgh (Scotland) Bill—By Lord C. FITZROY, and Mr. CHAYTOR, from Durham and Bury St. Edmund's, for Redress of the present Grievances of the Dissenters.—By Mr. HODGSON, from Newcastle-upon-Tyne, against the Rating of Tenements Bill.—By Mr. LEE LEE, from several Places, against the Tithe Commutation Bill.

ENFORCEMENT OF TITHES (IRELAND.)] Colonel *Butler* said, he had to present a petition of the utmost importance, although coming from a private individual; and he would take leave to call the attention of the House to it by reading it. The petition was from Patrick Tracey, in the county of Kilkenny; but before he read it, he must express his regret that neither the noble Lord the Chancellor of the Exchequer, nor the right hon. Gentleman the late Secretary for Ireland, was present. If the noble Lord were in the House, he (Colonel Butler) had some hopes that a stop would be put to such proceedings as those complained of. The petitioner stated, that on Tuesday, the 16th of April last, he was in bed, at his residence, and that in the same House were his brother-in-law, Cahinn, and Cahinn's wife and sister; that they were alarmed by a knocking at the door, and that they were asked by the policeman who were knocking if any list had been left at the House; on being informed that there was none, the police demanded admission. After describing the particulars of the entrance of the police, and the conversation that ensued, the petitioner stated that he was asked to pay immediately the sum of 16*s*., which he owed for tithes, to the reverend Dr. Butler, under pain of immediate imprisonment, and a threat that if he was not quiet, he would be handcuffed. The money was paid, and he obtained, next morning, a receipt signed by the chief constable. The petitioner complained that the police were not accompanied by either a Magistrate or by the chief constable, and that the petitioner's case was by no means a solitary one, but one of many such daily occurring in the neighbourhood. The petitioner stated himself to be too poor to seek redress through a course of law, and prayed the hon. House to interfere, and prevent the perpetration of such illegal acts. He had also an affidavit in his hand, upon which the petition was founded, but as it was almost all embodied in the petition, he would not trouble the House by reading it. But he had in his hand the receipt which was given for the tithes, and which was signed by the chief constable, thereby clearly showing that he approved of the serjeant's conduct, otherwise he would have brought him to condign punishment. Now, to trace the transaction to the Government, it was only necessary to state, that the chief constable was obliged, by his duty, to make a daily report to the Deputy Inspector-General of the district, who again was in daily correspondence with the Inspector-General at the castle of Dublin. He was always of opinion that the Coercive Bill was intended to enforce the payment of tithes, but it never once entered his mind that it could be put in force without the presence of a Magistrate, or at the very least a chief constable. If the powers which it gave were to be intrusted to such men as those in question, they would be used for the purpose of extortion, for many most respectable persons might be taken up when returning from a fair or a wake, who would rather pay money than be confined all night in a police-barrack.

Mr. *Fergus O'Connor* regretted very much, that the noble Lord the Chancellor of the Exchequer, and other members of the Ministry, were not present, as well as the learned member for the University of Dublin (Mr. Shaw), upon such an occasion, for it would have given them those proofs of which they said the other night he stood in need. Were the people of England aware, that for the purpose of upholding what was called "the word of the Lord," Government kept up in Ireland a force of 23,700 soldiers and 10,000 police marauders to scour the country? This was not a single instance; he himself had seen eight different divisions breaking into houses for tithes where not a penny was due. The fact was, these proceedings were adopted for the purpose of forcing the people to enter into an arrangement with the tithe proctor, that he might exact the payment of tithes which were not due. If the noble Lord, the Chancellor of the Exchequer had been present, he would have told him, that his Government was one of the most imbecile, truckling, and inconsistent that ever sat on those benches. With regard to the last part of the petition he would ask would the people get no redress if such proceedings as these were laid before a domestic legislature, when the wrongs were fresh in the memories of the whole population? He would tell the Government, that they were taking the same steps to prevent the repeal of the Union, as a celebrated individual did to obtain that measure. Then there was that House passing their votes of confidence, only because they had not gone very far wrong. He would tell the blundering and truckling Government, in the words of the great Lord Burleigh, "that they would ruin England with a Parliament."

Mr. *Finn* said, as the petition came from his part of the country, he must be allowed to say a few words upon it. All agreed, even in Court, that Serjeant Shaw had acted very imprudently—that was the word—he was disposed to use a much harder term. There was one part of the petition which almost incited him to laughter; the simple petitioner said that the Coercive Bill would never have passed through that House, had it not been assured that it would not be used for the purpose of enforcing tithes. Poor simple man—he did not know that House. He had never seen or heard of such a House of Commons—any measure, whatever might be its nature, would receive their support, if it was only asked by Ministers. It was the most truckling House that had ever sat within those walls. It was said, that the people had no confidence in the House of Lords, but the people were more widely separated from the House of Commons than from the House of Lords, and in the event of a dissolution, three-fourths of the Members would never appear there again. And yet that noble phalanx who strenuously opposed that infamous Bill, and foretold its consequences, were reviled, insulted, and called assassins, and the enemies of their country. That was a Reformed Parliament, whose first act was the passing of such an infamous and bloody Bill as that now complained of. It was said that Ireland would want no Repeal of the Union, when all the beneficial measures which Ministers intended to propose were brought forward. But he could tell them, that the desire for the Repeal of the Union was more rife than ever it was; they had already put down the right of petitioning, and had "suspended" the *Habeas Corpus* Act. He asked, ought Englishmen to be allowed more privileges than Irishmen? Although they might extinguish liberty in Ireland, the spirit of liberty would yet live, and would ultimately triumph. The cause of the oppressed was common to both countries, and it was impossible that that House could be permitted to trample on Ireland. As to the case of the petitioner, his was by no means a solitary instance, but he would not go now into the particulars, seeing what a mass of business was before the House.

Mr. *Macleod* intreated the House to suspend its judgment until some Member of the Government was present, who could either contradict the statements in the petition on official information, or would consent to make inquiry into them. He had invariably supported the Ministers, in passing what was called the Coercive Bill, believing that it would restore tranquillity to the country; and although its powers might have been, in a few instances, abused, he believed that it had done considerable good. He thought it would have been but fair to have presented the petition when some Member of the Government was present nd had a knowledge of its contents.

Colonel *Butler:* I informed the noble Chancellor of the Exchequer that I should present it to-day.

Mr. *Macleod* begged the hon. and gallant Member's pardon. He, however, regretted, that from the unexpected occurrence of the delay in returning the writ, that the right hon. Secretary for Ireland (Mr. Littleton) had not yet taken his seat, because it was important that he should have been present.

Mr. *Ruthven* said, a communication had been made upon the subject of this petition to the noble Lord (the Chancellor of the Exchequer), but he was sorry to say that anything respecting Ireland was treated in a disrespectful manner. As to the Repeal of the Union, the people looked to that only as a dernier resort; for thirty-three years they had looked in vain to England for an equality of rights and privileges, and they now sought the means of obtaining the management of their own affairs. There was an industrious circulation by the Press of this country of rumours injurious to the people of Ireland—there was in a base portion of the Press of England a mean trading principle adopted towards Ireland. Taunts were thrown out by some persons that those Members, favourable to the Repeal of the Union, dared not bring it forward; but he could tell those persons, and would tell his constituents, that it would be brought forward, and that, too, at as early a period as was possible. The advocates of the Repeal, only desired a fair, a calm, and dispassionate discussion; that they had a right to demand, and if they could not obtain it, Ireland would be justified in demanding a separate and a domestic Legislature. If they could not obtain justice from the British Parliament, it could not be believed that they would live under a rod of tyranny, when they had the means of relieving themselves. The Repealers were a strong and powerful phalanx, not only in that House but out of it. He would support the Repeal of the Union whenever it was brought before that House.

Mr. *Lambert* thought that the course that had been adopted in Ireland in the collection of tithes, was a most gross violation of good faith on the part of his Majesty's Government. An assurance had been given by the noble Lord at the head of the Woods and Forests, and the noble Lord the Chancellor of the Exchequer, during the debate on the Irish Disturbances' Bill, that tithes were not the description of property sought or intended to be protected by the provisions of that Bill.

Mr. *Henry Grattan* maintained that the law had been violated in Ireland by breaking open houses and by other acts of outrage since the Coercive Act had been passed. He believed that the right hon. Secretary for Ireland was most honestly ignorant of all that related to that country. Nothing as yet had been done for Ireland in the present Session. The House had become a Government House, and Members were obliged to give up their Motions to the Ministers. He had never seen such conduct since 1806 as had been shown in the present Session. The right hon. Secretary had partly founded his Bill on the case of the reverend Mr. Butler, whom he represented as a starving exile, and yet at that time the reverend Gentleman had sworn that he was a 50*l.* freeholder in the county of Meath. Irish Members could not bring forward their petitions or get the grievances of the Irish people fairly stated. The laws were so detestable even to the English people that when two companies of the King's troops were ordered to fire on the people not forty yards distant not a soul was even wounded.

Mr. *Shaw* had entertained no intention whatever to take the slightest part in the discussion upon the petition before the House, for he had not had any idea that upon such a petition a discussion could arise involving the characters of the clergy, and the question of a separate Parliament for Ireland. On certain occasions hon. Members could count the House out; but when petitions from Ireland were presented there arose a sort of omnibus discussion upon all the evils, real and imaginary, with which that country was involved. The hon. and learned Member who had just sat down had referred to the character of an individual clergyman, and he really ought to be the last to accuse other Members of using language which had no meaning, but which yet contained a sting and a waspish censure. He was astonished that any hon. Member should have so little candour as to endeavour to convict the reverend Mr. Butler of perjury, because he had sworn that he was a starving exile, whilst he had in another place sworn that he was possessed of a freehold of 50*l.* a-year in the county of Meath. Might not the payment of the rent be withheld in this case? He was sorry, that the hon. and learned member for Meath had again indulged that desire which he was for ever indulging—the desire to throw opprobrium on the characters of individuals. He believed that the Insurrection Act was necessary for Ireland; and although that necessity had arisen from the misconduct of Ministers, yet, when it did exist, he had felt it his duty to support them in finding the remedy. It appeared to be the desire of some Irish gentlemen that order should be preserved in Ireland in all cases except in those where the property and the persons of the clergy were at stake. Their own estates were to be protected; but if a clergyman was robbed and deprived of his rights the cry was, "It is only a clergyman;" and in such a manner were right feelings got rid of in the spirit of party. ["*Hear*"] Gentlemen might cry "hear," but he did not exempt himself from the feelings of party, and he could not be called hypercritical when he saw party-spirit leading Gentlemen on the other side of the House to such extremes. He claimed no impunity for any clergyman, and whoever was guilty let him be punished; but this was very different from indulging so constantly in declamations against the clergy, and in charges which injured the characters of innocent persons. When statements were made such as had then been brought forward, they always had turned out, upon inquiry, to be either grossly exaggerated, or altogether unfounded. He conceived that the petition now before the House should not have been brought forward without due notice of its contents having been given to those who might have felt it their duty to inquire into its validity.

Mr. *Barron* protested against the tone adopted by the hon. member for the University of Dublin, which was such as to lead to the supposition that other members for Ireland did not come into that House possessed of as much ability and information as that hon. Member. He treated such dictatorial manners with a great deal of contempt.

The *Speaker* said, the hon. Member was without question out of order, if he meant to apply his observations personally to the hon. Member who preceded him.

Mr. *Barron* disclaimed any intention of giving personal offence to the hon. Member; and contended, that if the Irish Members had had their wishes conceded on the Resolution that was proposed for the purpose of preventing the application of the Coercion Bill to the collection of tithes, there would not have been such a petition before the House. He hoped to God, as an honest man, that the people of Ireland would always retain their hatred of tithes. They were subjected to all sorts of persecution—persecution on the score of religious opinion—persecution in education—and persecution in the collection of the most odious of imposts. The hon. member for the University said, that the clergy never transgressed the law; but then they sheltered themselves behind the injustice of the law. In his country, a wretch of an attorney was employed by the clergy to collect the tithes; and instead of enforcing payment by a process at the Quarter Sessions, which would cost seven or eight shillings, he employed a process by which the poor people, who were living on one or two acres of land, in a miserable Irish hovel, were charged three or four pounds. And in Ardmore, in the county of Waterford, a bill had been filed against the poor tithe-payers, in the Court of Exchequer, by which the costs which might have been restricted to 30*l.* were run up to 500*l.* This, then, was the way in which the clergy of Ireland kept within the law.

Mr. *Ronayne* deprecated all attacks on individuals, and hoped that hon. Members would direct all their efforts against the present unjust system of bad laws by which the people of Ireland were afflicted. He must condemn exceedingly, the course which Ministers were pursuing in reference to the early sittings of the House. When they had any object of their own to serve, such as the rejection of the petition which was yesterday presented by the hon. member for Oldham, they were to be found with their adherents strongly mustered on the Treasury Benches, but whenever they had effected their object, they walked out of the House without further ceremony.

Petition to lie on the Table.

Counsel to Prisoners.] Mr. Ewart moved that the Bill for allowing Counsel to Prisoners in Criminal Cases be read a second time.

Mr. *Poulter* thought it was very unusual to move the second reading of the Bill, without entering into the details of it, and he wished to hear what the hon. and learned Member had to say in support of it.

The *Solicitor General* said, if it was the wish of the House that this Bill should advance a stage, he should offer no opposition at present to the second reading.

Sir *Robert Peel* objected to the Bill in principle; and, therefore, he should object to the advancement of the Bill a single step. He was against the House agreeing to the second reading of any measure which it was not prepared to carry to a conclusion.

Mr. *O'Connell* designated the present practice as altogether monstrous. It was productive in many instances of the most frightful injustice, he would say, in some cases to the extent of murder, particularly when conviction depended on circumstantial evidence. It was the grand object of an ingenious Counsel to predispose the Jury for a conviction, and thus circumstances immaterial in themselves appeared before them in fatal magnitude, and the counsel for the prisoner was prevented from giving those explanations which would have turned the circumstances very much in favour of, instead of being against the prisoner. He hoped the Bill would be allowed to pass a second reading, and then be referred to a Committee up-stairs, with a view of having some change effected in the present system during this Session.

Mr. *Shaw* stated, that he had the day before received a letter from a gentleman in Dublin, who was writing a work on the Criminal Law, who begged for information on the subject of the proposed changes, by the various Acts on the subject then before the House—and he certainly felt it very difficult to inform that gentleman what the law was likely to be before the Session ended. He deprecated this mania for legislation on questions involving the administration of the law, and would suggest that in the present times it would be full as necessary that a standing order should exist, as well in regard of alterations in the administration of the law, as in the cases of religion and taxation, requiring that no measure should be introduced without the previous consideration of a Committee of the whole House. With respect to this particular Bill, allowing Counsel for the prisoner, both in statement and reply, he could only say that, as far as regarded Ireland, he feared its effect would be to turn all Criminal Courts into arenas for speech-making.

Sir *James Scarlett* would give no opinion then on the subject; but he could not help complaining that the practice had crept into the House of late of passing the most important questions without due discussion. Important measures were brought forward—they were read a first and a second time without discussion—the third reading was brought forward at two o'clock in the morning, and the Bills passed without discussion. They were then sent to the other House, without the public obtaining any information about them. He hoped that the present important alteration in the Criminal Law would not be made lightly, and that the proposed measure would not be added to the number of Bills that had already been passed without any debate having taken place upon them.

Mr. *Pryme* was opposed to the suggestion of moving for a Committee on the question. He had reasons for not attaching much importance to the Reports of Committees; and he considered the principles of the propsed Bill of such importance, that it ought to be openly discussed in that House.

The *Solicitor General* said, that he had proposed that the subject, and not the Bill, should be referred to a Committee; and he still considered that the object of the hon. member for Liverpool would be better obtained by doing so than by then forcibly pressing it forward.

The House divided: Ayes 61; Noes 88—Majority 27.

List of the AYES.

Abercromby, Right Hon. J.
Aglionby, H. A.
Agnew, Sir A.
Andover, Viscount
Bainbridge, E. T.
Baldwin, Dr. H.
Barnard, E. G.
Barnett, C. J.
Barry, G. S.
Blake, M. S.
Bouverie, D. P.
Brotherton, James
Buller, Charles
Butler, P.
Chapman, M. L.
Dalrymple, Sir J. H.
Ferguson, Robert
Finn, W. F.
Fitzgerald, T.
Fitzsimon, C.
Fitzsimon, N.
Fleming, Admiral
Godson, R.
Grattan, Henry
Handley, Major B.
Hardy, John
Harland, W. C.
Hay, Sir J.
Heathcote, John
Heathcote, G. J.
Hill, M. D.
Jervis, John
Langdale, Hon. Chas.
Lennard, T. B.
Lynch, Andrew
Molesworth, Sir W.
Murray, J. A.
Nagle, Sir R.
O'Callaghan, Hon. C.
O'Connell, Daniel
O'Connell, Morgan
O'Connell, John
O'Connor, Don
Penlease, J. S.
Pryme, Geo.
Ronayne, D.
Ruthven, E. S.
Scholefield, Jos.
Sinclair, George
Stawell, Col.
Stewart, Robert
Strickland, G.
Talbot, J. H.
Talbot, Jas.
Todd, J. R.
Tynte, C. J. K.
Wallace, Robert
Wallace, Thomas
Walker, C. A.

TELLERS.

Ewart, William
Wason, Rigby

Mr. *Poulter* rose to move, that the Bill be read a second time that day six months. He had been very desirous of expressing his sentiments on the subject of this innovation upon the good old principles of our Criminal-law. He viewed the change proposed with great apprehension, because he thought it would prove, instead of an advantage, highly detrimental to persons arraigned for felony. The practice, as to evidence, would be materially altered in these cases. As the rule in this respect now stood, in all civil cases, the slightest proof very frequently decided the verdict. In cases of misdemeanour, a strong probability, accompanied by corroborative facts, would often suffice. And these were the only cases in which Counsel were allowed to address the Jury for the prisoner, with the exception of treason, in which the practice was, to allow two Counsel the privilege of addressing the Jury. This was, however, the exception to the general rule that Counsel were not allowed to address the Jury for persons arraigned of felony. It was, perhaps, unnecessary to observe, that the evidence of truth, rather than truth itself was the object of judicial inquiry. The first object of a Criminal Judge ought to be to prevent the conviction of the innocent, rather than secure the conviction of the guilty. He hoped that no one would question the position, that in cases of felony it was not desirable that Advocates should be tempted to make a display, or that appeals should be made to the passions of the Jury. The effect of appeals of this nature in cases of treason, which was too often mixed up with political considerations and feelings, were often impediments to justice, and rather made the means of defeating justice. He anticipated that the same results would follow were the present practice altered in the mode of proceeding in cases of felony. He apprehended, that passion would be excited, calm judgment disturbed, and the justice biased and impaired, by introducing speeches of Counsel in favour of persons accused of felony. It was for that House not to flatter popular prejudices, but to legislate wisely and for general and permanent good. He would conclude, therefore, by moving that the Bill be read a second time that day six months.

Mr. *Ewart* proposed, as an amendment, and to meet the wishes of those who required time to consider the propriety of the change, that the Bill be read a second time this day week.

Mr. *Lamb* had been officially drawn to the contemplation of the reasons for and against a change of this importance in our law. He would say from experience, that from day to day, he was the more convinced that justice was not always done in criminal cases. He had not anticipated any objection, he assured the House, to the Bill in this stage of it, or else he should have come down more prepared to enter into the examination of the arguments that might be advanced, for and against the change. He confessed, he was prepared to support the principle, that any person arraigned of felony, should be permitted equal advantages as to the assistance of Counsel as the prosecutor possessed at present. Unless that principle were recognised by our criminal enactments, he felt the law would be open to be impeached, and strict justice would not be done. If the question now were, whether they should postpone the second reading for a week, or till that day six months, he certainly should be for the shorter period. He had not heard the debate, it was true, but he would say, that he never had, from hearing a debate on any subject, a more triumphant conviction left upon his own mind, that the side he advocated was the right one, than he had in this case.

Mr. *Hill* heard with great pleasure the sentiments expressed by the last speaker. He could not agree with his hon. and learned friend (Mr. Poulter), that the instances were few, in which the innocent were convicted. The subject demanded their immediate attention. Nothing could be a more imperative duty on that House, than to protect the innocent when arraigned of crime. In his own experience, he had known instances where the innocent had been convicted, sentenced, and, he regretted to say, executed.

The *Solicitor General* said, that when the subject was first brought before the House, he had not hesitated to confess, that his impression was, that the state of the law was far from satisfactory to the profession and to the public. It was not proper or just that the prosecutor's Counsel should be allowed to address the Jury, and the prisoner's Counsel's mouth should be closed. Still he felt, that the Bill of the hon. member for Liverpool, proposed that which was not practicable. If every prisoner tried at the Old Bailey, and at all the Sessions and Assizes throughout the kingdom, were to be supported on his trial by a speech from his Counsel, (and that was the object of the Bill,) he would say, it was impossible to accomplish the trial of prisoners within the times limited for holding them; and let it be observed, that as the Assizes came on between Hilary and Easter Terms, the difficulty would then be increased insuperably. He believed, that granting to Counsel a right to address the Jury, would not have the effect of shortening cross-examination. In difficult cases, too, he had no doubt that recourse would be had by Counsel to long and declamatory speeches for prisoners. He had a great respect for the profession; he would stick by his order. Yet he would acknowledge, numbers were bent on seizing opportunities to distinguish themselves, and those thus presented, he suspected would not be lost—promoting so far, in his humble apprehension, a delay, and a perversion, in some cases, of justice. With this view of the merits of the hon. member's Bill, he should be disposed to oppose it; but he would have no such objection to a bill, which had for its object, the establishing a fair adjustment of the advantages of Counsel's assistance to the parties; so that the prosecutor should not avail himself of an address, unless the traverser was entitled to the same advantage; including the proviso, that in case the prosecutor's Counsel did not address the Jury, neither should the prisoner's.

Mr. *O'Connell* observed, they had witnessed rather an extraordinary mode of sticking by his order, in the case of the hon. the Solicitor-General, who had accused his brothers of the Bar, of unnecessarily procrastinating the administration of justice, for selfish purposes of aggrandisement. As to time, why try men at all, if they had not time to try them justly? Was the prosecutor to have all the advantages, and the prisoner to be debarred of equal rights with his accuser? Look at the absurdity of the distinction drawn between cases of felony and cases of treason. In the latter case, Counsel were allowed, where the greatest field was afforded for excitement and passion. But Jeremy Bentham had perhaps furnished the real reason why Counsel was not heard in such cases—namely, that the Judges did not like to wait for the truth, or to be detained to hear Counsel. As to the antiquity of the practice of the present system, let any Gentleman beware how he plumed himself upon supporting the ancient practice. Did he know that recently it was not the practice, and even lately it was vehemently questioned, whether a prisoner's Counsel had a right to examine witnesses in his defence on a charge of felony. The argument then was: "Do not, for humanity's sake, allow the defendant to call witnesses in his defence." The argument now was: "Do not, for humanity's sake allow the prisoner's Counsel the right to address the Jury." It was folly to say, that long speeches for prisoners would occasion their conviction. It was an evil, which, if it existed, would soon be its own remedy. Would prisoners continue to employ long twaddling speakers as their Counsel, whose endeavours only ensured their conviction? Were suitors in civil cases so blind to their own interests? Would the man accused of felony, not be as much alive to his interest, to the preservation of his property, liberty, or life, as the plaintiff in a civil action? He would say, he felt great satisfaction in the assurance just given by the hon. Secretary (Mr. Lamb), of his desire to improve the law in this respect. It displayed one gratifying instance, that as a Member of the Administration, he at least had not abandoned or forgotten the sentiments he professed, when not in office. He hoped they might be enabled to make some progress, if it were to move further, only one stage further, towards an improvement so highly desirable.

Mr. *Godson* contended they were bound to afford to prisoners by law an equal privilege, as to assistance of Counsel, with the prosecution, and that, in addition to this, they were also bound to grant every prisoner a copy of the depositions on which he was arraigned, or else it amounted to a partial administration of justice in criminal matters.

The Bill to be read a second time that Day se'nnight.

ROBBERIES IN DWELLING-HOUSES.] Mr. *Lennard*, on moving that the report on the Dwelling-House Robbery bill be received, said, that he should find it necessary to trespass for a few moments on the attention of the House, for the purpose of explaining again the object, which this measure had in view. Agreeably to the suggestion of his learned friend (the Solicitor General), he had limited the operation of this Bill, simply to the offence of breaking into dwelling-houses in the day-time, and stealing property therein—an offence, to which he conceived, that few persons would be now found to contend, that the penalty of death ought to be applied. He was certain, that the change which this Bill proposed to introduce, was one called for by the feelings of the people, and the spirit of the times. He had stated, on the occasion of the introduction of this measure, the effect which this extreme severity of the letter of the law, as contradistinguished from its spirit, had in disposing Juries to acquit prisoners, when charged with such crimes; and he had only to refer to the numerous petitions which had been presented, especially three years ago, to show the anxiety of the people for this proposed mitigation of our criminal code. Where so much of the execution of the law depended upon the people themselves, it was most necessary, that the feeling of the public should be consulted. Under these circumstances, therefore, and with the additional consideration, that, in the course of the last ten years, out of every nine persons convicted of these offences, not above one had been executed, he trusted that no serious opposition would be made to the passing of this Bill. He must observe, that of late years, a practice had grown up, which was most objectionable. When it was supposed, that a person had committed a burglary, if there were any difficulty in making out a case against him, he was indicted, not as a burglar, but as a housebreaker; and being placed upon his trial for this less criminal offence, it not unfrequently happened, that the Judge, in consequence of proof of some aggravated circumstance attending the robbery, took it upon himself to punish the prisoner, upon conviction, not as a housebreaker, but as a burglar. Several persons, he knew, had been punished as burglars, although they were only indicted as housebreakers, which was using the discretionary power possessed by the Judges in a most objectionable manner. He trusted, that this measure would not experience opposition from any Gentleman on that (the ministerial) side of the House, least of all, from those Gentlemen who had received their lessons, with regard to the amendment of our criminal code, from the late Sir Samuel Romilly, Sir James Mackintosh, and the present Lord Chancellor.

Mr. *Lamb* could assure the House, that it was with great regret that he felt it his imperative duty to oppose this Motion. The House would give him credit when he stated, that it was with extreme reluctance he deemed it necessary to throw any impediment in the way of what might be represented as an improvement in our criminal code. He had stated, when his hon. friend introduced this Bill that it was not a measure which Government would then oppose, and it was entitled to a calm and deliberate consideration, but he would now entreat the House to pause before it adopted such a measure. He was fully impressed with the conviction that the course of legislation which they were now pursuing on this subject tended much to the increase of that evil under which they laboured so extremely at present—namely, the multiplication of crime. There was no denying the fact that there had been latterly a great increase of crime. Let the House just look at the effect of the course which it had adopted last year in taking away the capital punishment from the crime of forgery. He (Mr. Lamb) had voted for that measure, and he had done so with the most perfect security that it would not have been attended by an increase of crime. Unluckily, however, he had now to state, which he did without the fear of contradiction, that the crime of forgery had considerably increased during the past year. Of course, it would be said, on the other side, that that circumstance was to be accounted for in the increase of prosecutions; but he would maintain that there had been a considerable increase in the number of forgeries actually committed. He must say, that all the debates and discussions upon our criminal laws had been the most inconclusive that he had ever heard. He had, with others, voted for the abolition of the capital punishment in the case of forgery, trusting that, as the capital punishment in that instance had, in deference to the feelings of the public, been for the few last years virtually abolished, its actual abolition would not lead to an increase of the crime. He was sorry to say, that he, in common with the House, had, as experience proved, acted in that case upon a lamentably mistaken principle. He could not, therefore, agree with his hon. friend, that where a capital punishment existed for an offence, and where it was never enforced, we should make the letter of the law correspond with the practice of it. He was, on the contrary, of opinion that the retention of the capital punishment in such instances, though it should never be enforced, was productive of great good, in deterring persons from the commission of the offence to which it might be applied. There was the instance of the offence of horse-stealing, with regard to which they had repealed the capital punishment last Session; and that crime, if it had not increased, had certainly not diminished since that time. His learned friend, the Solicitor-General, with whom he was sorry to differ on this subject, had remarked, in the former discussion on this Bill, that such was the state of the law as to house-breaking and house-entering, that a child who only broke a window and stole a bun might be liable to capital punishment. Granted; but then the capital punishment would never be enforced in such a case; whereas, let the application of capital punishment to this crime be altogether done away with, and the man who should enter a house with violence, and steal therefrom no less than 20,000*l.*, would escape that amount of punishment which was due to his offence. He had no objection to this alteration in the law—that the capital punishment should solely apply to those cases where persons forced themselves with violence into houses, so as to do mischief. On the whole he thought that it would be much better at once to appoint a general Committee for the revision of our criminal code than to go on thus, step by step, adopting measures at the suggestion of individual Members, without knowing where this mitigation of punishment was to stop, or upon what general principle it was to be regulated with regard to particular crimes. He had felt it his duty to take that occasion to enter his protest against this measure, and he was sure that if the House did not pause in this course of mitigation—in this career of impunity to crime—the worst consequences would be the result.

Mr. *Bernal* said, that no one doubted the sincerity of the motives of his hon. friend in opposing this Bill. He concurred in one part of what had fallen from his hon. friend, namely, that it would be well if Government could find itself at liberty, and had time, to take the whole consideration of the revision of our criminal code into its hands, instead of leaving it to be effected through the means of bills brought forward by individual Members, at vast trouble to themselves, and with the reward of but little gratitude for their laudable endeavours. He was sorry that he altogether dissented from the remainder of his hon. friend's observations. When his hon. friend stated the result of the alteration of the law with regard to the punishment for forgery, he would beg to ask his hon. friend whether, with his knowledge and experience on the subject, he was prepared to retrace the steps they had taken in that instance—whether, in fine, with the temper of the British nation in 1833, any Government or any gentleman would be bold enough to come down to that House and recommend to them that they should come back to the old code with regard to forgery. If they had to complain of the increase of crime, the fault lay with themselves; they did not adopt the proper preventives to check the increase of crime. Let them but advert to the beneficial effects which had been experienced from the system of solitary confinement in the United States, and they would see what good might be expected from the adoption of a proper system of preventives. The report as to the effects of solitary imprisonment in the great gaol of Auburn was most favourable as to its utility in checking crime. It could boast of one amongst many other great advantages—that it was economical, and the clergymen of different persuasions reported most favourably as to its good effects upon the morals of the prisoners. He thought, therefore, that the attention of the Government should be turned as soon as possible to the introduction of secondary punishments, with a view to operate as a barrier against the increase of crime. The present punishment for forgery was transportation to Australia or Tasmania; and when persons who had moved in respectable society in this country were transported there for that offence, they were at once sought for, for respectable situations, such as clerks in stores, and even cashiers in banking-houses, and in fact, their punishment amounted to nothing. He should certainly support the Motion.

Mr. *Strickland* observed, that from his experience as a Magistrate, he could state most certainly, that in the district with which he was connected, the number of prosecutions was much greater than had formerly been the case; but he denied that this tended in the least degree to prove there had been any increase in the number of offences, because since the passing of the statutes commonly called Mr. Peel's Acts, which gave the expenses of prosecutions in certain cases, it had become the interest of the legal practitioners in the country to institute prosecutions, and therefore those offences were now followed up which formerly had entirely escaped punishment. Allusion had been made to the increase of the crime of forgery since the abolition of the capital punishment for that offence, but unless it was shown that the crime had increased upon the number of charges of forgery formerly instituted, he (Mr. Strickland) could not give much credence to the statement which had been made. This, however, presented no reason why the experiment of this Bill should not be tried; and if for want of a good system of secondary punishments in this country, the amelioration in this case should prove insufficient to the public security, he for one should be most happy to retrace his steps, but at present he felt it his duty to support the Bill now before the House.

Mr. *Lloyd* concurred in the suggestion which had been thrown out by the hon. gentleman, the Under Secretary for the Home Department, as to the propriety of the appointment of a Committee or Board to take into consideration the whole of the criminal code of the country, with a view to its alteration and amendment; and he fully acquiesced in the sentiment which had accompanied the suggestion—namely, that much more general advantage to the public would accrue from such a course than could possibly be the result of the exertions of any individual Member directed to any single branch of the criminal codes. But that really was not the question before the House. A Select Committee had sat some time since on the subject of capital punishment; had reported; and upon that report nothing had since been done, and, therefore, he felt that no further delay ought to be permitted, even if Government was to pledge itself that the whole code should be duly considered, with a view to remedy the grievances; because in the mean time no harm could be done by carrying into effect the provisions of the Bill now before the House. It was most improbable, that, under the present state of society, any aggravated case of house-breaking could occur; but even if committed in the night time, which was the only probable period at which an aggravated case with violence could occur, that crime was unaffected by the present Bill, and under the proper definition of burglary would still be liable to capital punishment. The argument which had been raised against this Bill upon the grounds of the increase of the crime of forgery could not stand, because, on a former occasion, it was admitted, and even urged as a reason for abolishing the capital punishment in certain cases of forgery, that many offences were never prosecuted, and were passed over with impunity, from the reluctance of parties to bring them into court, and Juries to convict when proceeded with, in consequence of the then existing law. Any discrepancy, therefore, that might now appear between the amount of forgeries formerly, and the amount since the punishment was lessened, could not afford any argument as to the evils of an amelioration of the law in this respect. He would not trouble the House with now moving the addition to the present Bill of a clause (of which he had given notice) for repealing so much of the Act 2 and 3 William 4th, c. 62, as made the offences named in that Act punishable with transportation for life only, and instead thereof providing that such offences should be punishable with transportation or imprisonment of a limited period, at the discretion of the Court, but he should postpone the motion until some future occasion.

Mr. *Hill* concurred in the necessity of some general revision of the criminal law of this country. Too great severity created crime, instead of suppressing it. In former times the criminal law was as sanguinary in practice as it was now in the letter. In the reign of Henry 8th, historians stated, that no fewer than 70,000 persons were executed. This showed that the terror of the laws did not prevent the commission of capital offences. On the other hand, as the criminal law had been relaxed in severity, offences had diminished in number. Even so late as the end of last century it was dangerous to walk out into the streets of London after dark, so many desperadoes were abroad, who were seen even in broad daylight in the streets, but so well supported by their followers that the police dared not attack them. This was the statement made by Fielding, and confirmed by many contemporary authors. Now, how different was the state of crime? In the metropolis but little insecurity as to life was felt at any hour of the day or night, and the number of murders was very small compared with what it used to be. He knew many persons who never would prosecute for offences against property, where the punishment was death, not choosing to be instrumental to the loss of life in a fellow-creature. This feeling was spreading; and it would be found to be impossible unless they had Judges totally disconnected from the people, and actuated by different feelings and sympathies, to execute a state of law which was at variance with the opinions of the majority of the people. So long as the Jury system formed part of the judicial system, it would not be practicable to maintain a system of laws which was contrary in its spirit to the feelings of the people. The number of the prosecutions was not a just test of the increase of crime, as had already been observed by other Members. To argue that it was, was to argue like a Clerk of the Peace who judged solely by the increase of his own business that there must be a large increase of the offences for which his services were put in requisition. It was not a correct mode of ascertaining the point. The hon. Under Secretary had talked of softening the criminal law as giving impunity to crime. Surely sending a man to Botany Bay for life was not impunity. At least it was that sort of impunity which he should be very sorry to experience for any offence of which he might ever be guilty. He hoped there would be some general systematic amendment of the criminal law; but, in the mean time, separate and specific measures, for that purpose like the present, when brought forward, should have his support.

Mr. *Shaw* thought, it would be impossible so to amend the criminal law as altogether to supersede the necessity of discretion in the Judge. It was impossible to draw the exact line where legislation should end and discretion begin. There were, no doubt, anomalies and apparent contradictions in the system as it was written; but these disappeared when the actual practice of the law was looked into. At this time of the year the capital punishment was to be taken away, although a gang of robbers should break into a house while the inmates were at rest at three o'clock in the morning; and on the other hand in the case which had been put of a girl breaking a window and stealing a bun at seven o'clock of a winter's morning, she would still be guilty of a capital offence; this showed how essential it was, that the Judge should have a discretionary power for the purpose of adjusting the balance in all such cases. With respect to the particular offence described in this Bill, the practice now was, to leave the words "break and enter" out of the indictment, unless in cases marked by features of great atrocity. Whatever advantage might be gained by a general and well-considered alteration of the law as regarded capital punishments, he thought great evil was endangered by these attempts to amend it by separate and disconnected efforts.

Mr. *Aglionby* said, that a general amendment of the criminal law would be preferable to the present mode of amending it by separate Bills, but he preferred to have it amended piecemeal rather than not have it done at all. He should give his support to the Bill of the hon. member for Maldon.

Mr. *Rotch* considered that the best mode of preventing crime was by making the laws for its punishment certain in their nature and sure in their execution. They had now got a measure of decided amendment before them, and he hoped the House would not allow it to be lost from the mere expectation of what might be done hereafter.

Mr. *Ewart* would support the Bill, but he thought it would be improved if the hours within which the offence became changed in its character should be distinctly defined. He thought the hours should be named in the Bill, and be from ten o'clock at night to five in the morning throughout the year. Parliament having modified the law as to the higher class of delinquents, were bound to do it as to the lower order. He hoped to see the Criminal Laws of this country more consonant with the feelings and opinions of a civilized people than they were at present.

The Report was brought up.

On the Motion that it be read,

Mr. *Shaw* wished to ask whether the last clause had been expunged, as otherwise the jurisdiction of the Old Bailey for the trial of these offences would be entirely shut out. At any rate, he was certain that such would be the case in Ireland in the Court over which he presided.

Mr. *Lennard* said, that this clause had been expunged. It merely remained on the printed Bill, because it had not been considered worth while to have a reprint of the Bill on account of so slight an erasure. With reference to objections which had been made against making these changes in detail, he would observe, that such had been the principle laid down as the best by one of the greatest law authorities known in this country, Sir S. Romilly, who, in bringing forward his law reforms, had invariably held, that graduated relaxation of the law would ensure the most effectual and beneficial results. With reference to the crimes of horse-stealing, sheep-stealing, and others, the capital punishment for which had been abolished, he denied that those offences had since increased. The hon. Member read some Returns to show that since the abolition of capital punishment, there had in Wales, in Berkshire, and several other counties, none of these crimes been committed. In Lincolnshire, which was a great place for sheep, there had been no sheep-stealing. With respect to forgery, it would be recollected that two specific cases of forgery were exempted from the last Act; and the punishment of death still remained attached to forging a will, and forging a power of attorney; and since that Act was passed there had been only two cases of these crimes—one of forging a will, and the other of forging a power of attorney. In the case of forging the will, though the evidence was very clear against the man, the Jury refused to convict him, and found a verdict of acquittal; in the case of forging the power of attorney, the forgery was committed upon the Bank of England, and the Bank prosecuted the man for the minor offence. There was, then, even now, a difficulty of carrying that law into effect which decreed the punishment of death, which made it inoperative. He was willing to allow, that the most appropriate secondary punishment had not been applied to the crime of forgery, and it would have been better to have appropriated to that crime hard labour and imprisonment at home, than transportation for life. His hon. friend, the Under Secretary of State (Mr. Lamb), had thrown some doubts on the efficacy of the system of imprisonment in America. If the House would allow him, he would read an extract from the Report made by two French gentlemen who had inquired into the subject. The hon. Member accordingly read an extract from the Report, which stated that the persons who were tried for second offences under the old system of prison discipline were as one to seven; while those tried for second offences under the new system were only as one to nineteen. He would not enter further into the subject, as he felt confident that the House was with him.

The Report was read, and the Amendments were agreed to.

TITHES (IRELAND)—THE COERCIVE LAW.] Lord *Althorp* moved the Order of the Day for the House to go into a Committee on the Tithes (Ireland) Act.

On the Motion that the Speaker leave the Chair,

Mr. *Lambert* rose to move an Amendment. He did not wish to embarrass the Government, or throw the least difficulty in its way; but he felt that he had no other course to adopt than to move an amendment to he Motion of the noble Lord. He had been prevented, last night, from making the Motion he intended to make, and from giving that explanation he thought it his duty to give; and having been prevented from then making his statement, he felt himself obliged to bring it before the House as an Amendment to the Motion of the noble Lord. He could assure the House, that he never felt greater pain and anxiety than he did at being compelled to pursue this course; but it was the only one which was left him, in order to do justice to himself, and to those hon. Members who, like himself, would not have supported the Irish Coercive Bill, had they not been assured that it was not to be applied to the collection of tithes. He had no other means of doing an act of justice to his own character, and the character of those who had supported that Bill, than to place the circumstances fairly before the country. It would be, no doubt, distinctly in the recollection of the House, that at the time the Coercive Bill was introduced, he stated that some measure of that nature was necessary to restore tranquillity to that country; but he had declared, at the same time, that no consideration on earth should make him consent to any such Bill, so long as it was to be applied to the enforcement of the collection of tithes in Ireland. The House would recollect that the noble Lord had then given a solemn pledge to the House, or rather two pledges, on the subject: and confiding in those pledges, conceiving that they would be redeemed, he and others had voted for the third reading of the Bill. He had taken every possible pains to have a correct account of what the noble Lord then said, and had collated two short reports of the noble Lord's speech. From these reports (and he would read *The Times* which was the same as that of the *Mirror of Parliament*), it appeared that the noble Lord had said, 'It had been stated as another objection 'to the Bill, that it was only a cover to 'enable Ministers to collect tithes. He 'was anxious to be clearly understood on 'this point. He could assure the House, 'that so far from that (the collecting of 'tithes) being the object of Ministers, 'they should feel, that the Lord Lieutenant of Ireland would abuse the discretion which the Bill would invest him 'with, if he declared, in the exercise of 'that discretion, that any district was 'liable to the application of the provisions 'of the Bill merely because tithes were 'not paid in that district. To make the 'refusal of tithe payments a pretext for 'enforcing the Bill would be, he repeated, 'acting quite contrary to the feelings and 'intentions of its framers; indeed, quite 'foreign to their views and determination. 'He would go further, and say, that 'though the suppression of Whitefeet 'offences was the main and sole object of 'the Bill, and though he had reason to 'believe, that the resistance to tithe was, 'in many instances, mixed up with these 'offences—indeed one of them—yet, in 'order to convince the most sceptical that 'Ministers had no other object in proposing the Bill than restoring and preserving 'the peace of the country, he should have 'no objection to the insertion of any clause 'or provision which would prevent the 'application of the Bill to any offence of 'which the resistance to the payment of 'tithes was a portion. He repeated again 'and again, that Ministers had but one 'sole object—the asserting the authority 'of the law. The Bill had no reference 'to the collection of tithes or any other 'individual purpose, and, he would add, 'could or should be applied only to the 'maintenance of social order.' That was the noble Lord's statement; and relying on the personal character of the noble Lord, he had brought forward an Amendment which was in perfect unison with the language of the noble Lord. It was, he thought, admitted that the Bill was not to be employed in levying the arrears of tithes, but he had also thought that fact ought to be stated. He, therefore, did bring forward an Amendment, which he would again bring before the House by reading it. It was this, "Provided always, and be it hereby enacted, that it shall not be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to apply the powers conferred by this Act in any way to any county or district merely because tithes shall not be paid in such county or district; and be it further enacted, that the provisions of this Act shall not be applied in any way for the purpose of levying tithes, or enforcing the payment thereof." He had found, however, that objections were made to his Amendment. The noble Lord stated, that he had no objection to the first part, which was indeed, in the letter and spirit, a mere copy of the declaration of the noble Lord, that the Act was not to be applied to the levying of tithes. The noble Lord stated, that he did not oppose the first part of the Amendment, but that he did not approve of the latter part. He acquiesced in the lopping off a part of his Amendment, conceiving that what was essential was retained, particularly as the noble Lord then repeated his declaration, that—'It 'was intended by Government, as he '(Lord Althorp) had already stated, to 'propose a plan to the House which 'would render it quite impossible that this 'Bill could be applied to the collecting of 'tithes. The plan which would be pro'posed by Government would be one 'whereby the arrears of tithes would be 'got rid of, the only thing to which 'this Bill, during the time that it was 'likely to last, would, by possibility, be 'applied.' That declaration of the noble Lord removed every shadow of doubt from his mind. The noble Lord had repeated the declaration he had made on introducing the Bill, and had said distinctly that it was not to be applied to the collection of the arrears of tithes. It was said, at the time, that the declaration of the noble Lord was uncalled for, and that it was imprudent. He had, however, never doubted that that declaration was most necessary and most called for; for, if the Bill had come before them without that declaration, certainly it would not have been possible for him—and he believed for many others—to give their assent to it. But for that declaration, he believed that the House would have scouted the Bill; and certainly but for that declaration he should have considered the measure most unjust. But how could it have been passed but for that declaration? The House would recollect, that a Bill had been passed vesting in the Crown all the rights to the arrears of tithes, and enabling the Crown to collect those arrears by all the powerful means at the disposal of the Crown, as a creditor. That Bill was a failure—a mischievous failure—as had been foretold by those who best knew the state of Ireland; but those who did not know the state of Ireland were determined to pass it, and it was passed. Now, would it be supposed, that any assembly of honest men would have listened to any Minister who should have come down to the House and stated, that "the Tithe Bill, with all the powers it gave to the Crown, has been a failure; but do you give us the high pressure-engine of despotism, and we shall succeed; do you suspend the Constitution—enable us to imprison men at our pleasure—try them by Courts-martial—abrogate all their rights—and we have no doubt we shall prevent all those disturbances which have been created by this very Tithe Bill of ours, which has been so complete a failure?" It was quite impossible, therefore, to suppose, that without such a declaration as that made by the noble Lord, which he had quoted, that the House would have suspended the Constitution to support the Ministerial failure. The declaration of the noble Lord, therefore, was prudent, and even necessary. He had been warned not to place confidence in that declaration; but he had stated he should be sorry to believe, that the Bill, in spite of those pledges, would ever be applied to tithes. When the Ministers had also pledged themselves to bring in a plan by which the arrears of tithes were to be got rid of, he confided in that pledge. He wrote immediately over to Ireland to all the persons in his own neighbourhood, and to many persons living on the borders of the county of Kilkenny, telling them, that the Irish people might rely on the Ministers, who meant kindly towards them, and the Bill would surely never be applied to the collection of tithes. He had quoted the words of the Chancellor of the Exchequer. He regretted that he had done so, but he could not believe, that the word of the Minister would not be kept. He had succeeded to a considerable extent in convincing the people that his own opinion was correct; and what had been the consequence? He stated, that the Ministers had pledged their most sacred word that the Bill should not be applied to collect the arrears of tithes, and that pledge had been most scandalously and most disgracefully violated. It was on the 6th or 7th of April, he believed, or about the time that the county of Kilkenny was proclaimed, that a party of police went round the neighbourhood of New Ross, and gave notice to all the farmers round, that they must have the names of the inmates of their houses written on their doors, and cautioned the farmers to appear at their doors—for so the police said—and answer to their names when called upon by the police. The farmers did as they were directed by the police. On the very first night that the Coercive Bill came into operation and was enforced, the police in a large detachment went round to fifty-seven farmers, many of whom owed money for tithes, and had kept out of the way, but who, relying on the security they had been promised, and which he in fact on faith in the noble Lord's assurances, had promised them, had returned; the police, however, camedown upon them with a large military detachment, called out to these farmers, obliged them to come down, and arrested them for arrears of tithes. For claims made on the part of owners of the tithes, in the dead of the night, when these men had been gathered together by their confidence in the Government pledges, down came the police and arrested them! They were marched off to prison at the point of the bayonet; and though some of them were eighty years of age, they were not permitted to rest, but were urged forward by threats and insults. In another part of Kilkenny a more outrageous case even than this occurred. He alluded to the case of Serjeant Shaw, of the police, who arrested about thirty persons for arrears of tithes in the night time, at the suit of Dr. Butler, and most of them for small sums. The first was of a man who was sent to prison for an arrear of tithe amounting to 1*s*. 8*d*.; another for 4*s*. 2*d*.; a third for 5*s*. 2*d*.; and a fourth for 8*s*. 4*d*.; all of whom were arrested and sent to the county gaol. In other cases, in which the men owed 2*s*., 7*s*., 2*s*. 2*d*., they had found the means of payment, and were released. These men were seized by night, and some of them kept a night in gaol, and then discharged. Shaw came to them, and declared that he arrested them under the Coercive Act, and threatened them with all the penalties of the Act, unless their tithes were paid. It was true, that these men had complained to the Magistrates, and the Magistrates had, after an investigation of the conduct of the police, pronounced it injudicious. It was high time for the House to interfere when such a scandalous outrage was passed over as an injudicious act on the part of the police. Whence came the authority so to act? Surely it would not be said, that Shaw would have dared to be guilty of such a glaring violation of the law, unless he were acting under the orders of some superior power which he was bound to obey. What power then was this? He came before the Commons of England to ask what power it was, that had the audacity to interfere and falsify the pledges of his Majesty's Government? That there was such a power was clear. This was a question of vast importance; and he was quite sure the noble Lord could not say, that in bringing it forward he had acted unfairly by him, or that he had urged on the matter with indecent precipitation. He had done everything in his power to avoid the necessity of bringing this before Parliament. As soon as he was aware of the circumstances he communicated all he knew to his Majesty's Government. So far back as the 15th May he had written to the noble Lord, to acquaint him with the outrages which had been committed in violation of his word, Not that he conceived for a moment that the noble Lord knew anything of them—such an idea never entered his head. But what he thought he had just reason to complain of was, that after this notice, nothing was done to check the system. The work still went on—night after night the unfortunate people were taken out of their houses for tithes, in violation of the solemn pledges of his Majesty's Ministers. It appeared that the parties in Ireland to whom tithes were due had looked upon the Coercive Bill as a godsend—and as they knew not how long it might be before its powers were put an end to, they were determined to make hay whilst the sun of Coercion was shining. No notice whatever was taken of his representations. When he said, that no notice was taken, he could only speak of their practical result—no step was taken in consequence, that he could hear of. He had used every exertion in his power to find out who were the persons who had dared to stand between the Government and the people of Ireland, and break the solemn pledges which that Government had made. He was unable to succeed in discovering these persons, nor could his appeal to the Government put a stop to them. What, he would like to know, would have been the situation of Ireland—what would have been the condition of hon. Members, who, like himself, had been held up as deliberate traitors to the country, if Parliament had not fortunately been sitting at the time of these occurrences? The first moment possible he placed upon the books of the House a motion on this subject, which unfortunately he was unable to bring forward at an earlier period. He, therefore, thought it right to insist upon bringing the question before the House to-night—not out of any unkindness to the noble Lord, but in justice to the people of Ireland, and in justice to the motives which induced him to support his Majesty's Ministers on the occasion of the Coercion Bill. In his opinion, the Bill of last year was most mischievous, and had been the fertile cause of disturbances in Ireland. The people had been promised an extinction of tithes; and when they found their hopes raised at one moment, and dashed to the ground the next, it was not in human nature, that they should be quiet. What had been the result of last year's measures? By such returns as they had been able to procure (and it was singular that in many cases where it was most important to procure information, that information was most assiduously concealed), it appeared that the sum claimed at that time for arrears of tithes was 52,328*l.*, whilst the sum actually obtained up to the 3rd February was 2,929*l.*, and yet it had been said of this Bill that it had worked well. Probably, since that time some further amount had been received; but if so, that amount had only been obtained by a violation of good faith to the people of Ireland, which they would never forget. The number of decrees pronounced was 30,000; the number of attachments issued by the Court of Chancery was 1,258; the number of proclamations was 236; and of persons against whom proceedings had been had for sums not exceeding one shilling, 4,600. It was just, however, to say, that some of the proceedings had not been acted upon. But what, he should like to know, could be more absurd, than to commence proceedings which there was no intention of following up? Many of these proceedings were for sums not exceeding one farthing—he, of course, did not complain that they had not been prosecuted; but he complained that they had ever been instituted—their only apparent object being to increase expense; though, with the amount of costs paid to the Crown Solicitor, and other Law Officers of the Crown, they were of course not acquainted. If, as he had heard some hint, the Counsel for the Crown had waived their claim to fees, still, he presumed, they must be compensated in some way; and it appeared, that the Counsel attending the Quarter Sessions were entitled to five guineas *per diem.* All this expense had been incurred—for what? In the first place, to transfer to the Crown all the odium of collecting the debts due to the clergy; in the next place, to receive the sum of 2,929*l.* out of 52,000*l.* and upwards; and finally, it was considered the grand point of all to vindicate the law. He should really be glad to know what was the meaning of vindicating a law admitted to be bad? What, he should like to know, was the meaning of vindicating a system devoted to extinction? There were persons now living, who remembered the period when it was in the power of the Protestant to go to a Roman Catholic and offer him 5*l.* for his horse, which he was compelled to accept. When it was proposed to extinguish this law, its absurdity and unjustness were fully admitted. But suppose some able debater had then got up, and contended, "that so long as it should continue to exist, it ought to be enforced," which, in fact, amounted to this—that for so long as they could possibly keep the power, Protestants should be entitled to supply themselves with Roman Catholic horses at their own price—would not the orator, however able, have been deservedly laughed at. The hon. Gentleman then referred to the Report of the Tithe Committee, which had raised such expectations among the people of Ireland. The words of that Report were extremely remarkable, and served to account for much of the disturbance which had taken place. He begged the attention of the House to the following passage:—'In 'recommending to the adoption of the 'House immediate measures for the enforcement of the law, and for the relief 'of the urgent distress of the clergy, your 'Committee cannot shut their eyes to the 'fact, that there must be an extensive 'change of the present system of providing for the clergy of the Established 'Church in Ireland. Into the details of 'the measure we are not prepared to 'enter, but your Committee do not hesitate to express an opinion, that such a 'change, to be satisfactory and secure, 'must involve the complete extinction of 'tithes.' He prayed the House to recollect by whom the Report was brought up, and by whom it was sent forth to the world. It was needless to say, that the promises which were held out were believed. What was the change that had taken place?—what was this extinction, which was to prove so safe and satisfactory? The right hon. Gentleman, the member for the University of Cambridge, had, some years ago, brought in a Bill for the Composition of Tithes in Ireland, which Bill was considered a great aggravation of the evil, inasmuch as it took away from the tithe-payer all remedy, and made large tracts of land, such as grazing lands, &c., which were before exempt, liable to this impost. The right hon. Gentleman, however, in his Bill, allowed the tithe-payers the option of remaining under the old law, or of claiming the benefit of that Act; whereas the present measure was little more than an arbitrary and compulsory application of the provisions of the Bill of the right hon. Gentleman to the people of Ireland. It appeared as though every Administration in this country felt itself bound to oppress and injure Ireland. Was Ireland never to have anything like fair play? He was justified in saying, that the moment Government gave the pledge, it ought to have adopted measures to see that the pledge was fulfilled. But the moment the Bill was sent to Ireland, it appeared there was a party there, strong and bold enough to arrest the declared intention of Government. He appealed to the noble Lord by that which had often been the prop of the country in times of difficulty—he appealed to him by that high character which he had hitherto maintained, that he would not suffer his solemn pledge to be violated. He appealed to his better and more generous feelings, that he would not suffer the Irish, because they were beaten down to the earth—because they could not lift their hands in their own defence, and could with difficulty find a way for their petitions to that House—he called on the noble Lord to interpose, and say: "These things shall not be. We have put down disturbance in Ireland by means of this Bill—we pledged ourselves to employ it for no other purpose—and we will punish any person who dares to use it in another way." He implored of the House, and of the noble Lord—justice—and nothing but justice—for his unhappy countrymen. He stood on the noble Lord's bond—not, indeed, a legal instrument signed and sealed according to law; but he took his stand on a higher and nobler obligation—the word of a British Minister, given in the face of a British Parliament. In the name, then, of that honour which ought to be dearer to us than life—in the name of his unfortunate and long misgoverned country—in the name of the God of justice and of truth—he claimed redress for injured Ireland. The hon. Gentleman then concluded by moving, as an Amendment to the Motion for the Speaker to leave the Chair, a Resolution to the following effect:—"That it is the opinion of this House, that the pledges given by his Majesty's Ministers, that the Bill for the Suppression of Local Disturbances in Ireland should not be applied to the collection of tithes, and that the arrears of tithes should be got rid of, have not been fulfilled; and also that the employment of the Military and Police Forces in serving Civil Processes, and levying tithes, is highly unconstitutional, and ought to be discontinued."

Lord *Althorp* thought, as he had already stated, that it would have been more convenient if the hon. Gentleman had refrained from entering on this subject till after he had made his statement. The course, however, which the hon. Gentleman had pursued, rendered it necessary for him to state to the House such reasons as he hoped would induce them not to concur in the Amendment of the hon. Member. With respect to the statement which the hon. Gentleman had made, that the members of the Government had pledged themselves that the Coercive Bill should not be used for the purpose of collecting tithes, he did not in the least deny that such pledges were made, both by himself and the other members of his Majesty's Government. It had certainly been the intention and object of his Majesty's Government to act on this pledge. At the same time he begged the House to recollect, that he said, that the Coercive Bill would not prevent the law from taking its ordinary course, and that tithes would still be open to collection, although the Coercive Bill was not to be applied for that purpose in any way whatever. He did not hesitate to say distinctly to the hon. Gentleman, that if in any case whatever, that Bill had been applied to the collection of tithes, he admitted it was a breach of the pledge of his Majesty's Government, although, of course, he did not admit that such breach was intentional on their part. Certainly, such use of the Coercive Bill was in contradiction of the pledge which had been given. With respect to the case which the hon. Member had stated as occurring in the neighbourhood of New Ross, he admitted, that if any person, or any police officer, acting under the provisions of the Coercive Bill, had induced persons to come out of their houses, and had then arrested them for tithes, such conduct was certainly a direct contradiction of the pledge which had been given. With respect, however, to those cases stated by the hon. Gentleman, he had inquired in the proper offices, and had not been able to find any account of the circumstances mentioned by the hon. Gentleman. With regard to the case in which Serjeant Shaw's name was mentioned, and which he believed to be, in a great measure true, he was certainly prepared to say, that the conduct of Serjeant Shaw, on that occasion, was entirely unjustifiable. The hon. Gentleman had referred to another pledge which he had made. He had readily consented to pledge himself, that the Coercive Bill should not be applied to the collection of tithes, because he intended to propose a measure which should render the collection of arrears of tithes unnecessary. He was not able to recollect precisely the words he used, but they were to this effect—that the measure which he contemplated proposing for the relief of the clergy, was such as would render it unnecessary for them to institute proceedings under the measure of last Session, for the collection of their tithes. The hon. Gentleman asked whether, in the mean time, it was proposed to support the levying of tithes? and he expressed his opinion that any attempt of that kind was likely to lead to bloodshed. His answer was, that until they knew whether the new Parliament would consent to the remedial measures the Government was about to propose, they could not at once drop the collection of tithes. He did not, however, mean to say that the hon. Member wanted any justification in writing, as he did to Ireland, in consequence of what he (Lord Althorp) had said. And, if it were satisfactory to the hon. Gentleman, he would readily admit that the hon. Gentleman was open to no imputation of treachery, or anything of the kind, for he was perfectly justified in the statements he made, that it was not the intention of Government to proceed in the collection of tithes under the Bill of last Session. The hon. Gentleman had said, that Government might have sent orders to stop the collection of tithes under this Bill: but on looking into this question, considerable difficulties arose. The hon. Gentleman had said, that, on the 15th May, this case had been laid before him. It certainly was so; and upon the receipt of the statements, he made inquiries into their accuracy, and he found that there had not been any suspension of proceedings under the Bill of last Session. Orders were immediately, on receiving the information, sent out to suspend all further proceedings for the future. This was about ten days ago. It might be said, that time had been lost—perhaps that was the case; but from what he had said before, it would be clear to the House that the pledges which the Government had made they were determined to act up to. The proposition which he intended to make, when the House went into Committee, was such as would render it highly improbable, that any proceeding would take place under the Act of last Session. The difficulty which prevented his bringing forward this measure before still existed—namely, that they were not aware of the amount which would be required. But knowing the circumstances which were daily taking place, and the disturbed state of Ireland, he thought it better to come forward with some general Resolution, pledging the House to take such a step as he was sure ought to, and he hoped would, prevent any further proceedings being adopted. His proposition was this:—An advance of money, in order to take away from the clergy the necessity of prosecutions for the arrears of tithe of 1831, 1832, and for the tithe of the present year; the advance to be repaid by a land-tax charged upon all lands which were liable to tithe in Ireland, and on which no tithe had, during those periods, been paid. He was sure the House would see that the effect of this would be to render it unnecessary to prosecute for the arrears of tithe, or to collect the tithe for the present year. It was also proposed to exempt all yearly tenants at will from payment of tithes after November next. By this Resolution, he hoped to put an end to the irritation now existing in Ireland, in consequence of the collection of tithes at the present time. He had admitted the statements of the hon. Gentleman as to his pledges; and he had given such explanation as he was able to give, of the conduct of his Majesty's Government in the transaction. He had explained briefly the outlines of the plan, which he would give more in detail in Committee; and he was not aware that it was necessary for him to say more, than that he would not consent to a proposition which he could not but regard as a vote of very strong censure on his Majesty's Government generally, and particularly on him individually.

Mr. *O'Ferrall* said, that the noble Lord's explanation was most unsatisfactory. The noble Lord admitted that his pledge had been violated, and though he believed the noble Lord to be perfectly innocent on that score, it was evident that some person must be guilty. If the noble Lord had stated that he would use his exertions to discover and bring to punishment the person who had caused the solemn pledge of the Government to be nullified, there would have been reason why the hon. Member should be perfectly satisfied. The people of Ireland would not be satisfied unless justice were done in this case. The hon. member for Wexford had omitted to mention many circumstances which would have strengthened the case which he had brought forward. Amongst other things he might have stated, that the first act of the Government after the passing of the Coercion Bill, was to cover the trees and the walls of the hon. Member's domain with tithe proclamations. That was the hon. Member's reward for the sacrifices which he had made in supporting the Coercion Bill. He could, by certain depositions which he held in his hand, show that the police and the military had actively assisted in the collection of tithes contrary to the pledge of Ministers. In one case a cabin was forcibly broken open, and the occupier arrested for a tithe debt of 18*s.* 4*d.*, though Ministers distinctly pledged themselves, that the Coercion Bill should not be so applied.

Mr. Secretary *Stanley* wished to know whether the complaint of the hon. Member was directed against the Tithe Commutation Act of last Session, or the existing Coercion-law? He understood the hon. Member to complain that the harsh cases he had just cited occurred under the colour of enforcing the Coercion Bill.

Mr. *O'Ferrall* had to complain that both acts—the Tithe Act and the Coercion —had been much abused in the collection of tithes, particularly the latter, which Ministers pledged themselves should not be applied in any way to enforcing the payment of tithes. It was undeniable that the police and the military were every day employed in civil processes and tithe cases, though the 3rd of George 4th distinctly prohibited the employment of the policeman as a tithe-proctor; and the 7th and 8th of the same King prohibited the employment of the military in levying tithe distresses. The noble Lord had just told them, that Ministers proposed to advance a certain amount of the public money to the Irish clergy in lieu of the arrear of tithes, and that the Crown should stand in their shoes in reference to their claims upon the land. Now he last year voted with the noble Lord for advancing 60,000*l.* to the suffering clergy of Ireland. He did so, because he knew that, owing to the refusal of the people to pay tithes, many innocent families were reduced to a state of want; but he solemnly declared, that at the time nothing was further from his expectation than that Government should turn out more severe tithe proctors than their clerical predecessors. Indeed, he owed it to the Irish clergy as a body to state, that they were far less exorbitant and grasping, and inconsiderately exigent of their tithes, than the great lay impropriators. And he owed it to truth to declare, that the vacillating, neither-one-thing-nor-the-other policy of Ministers touching tithes in Ireland—their this day declaring, that tithes should be "extinguished for ever"—their to-morrow recanting, and saying, they meant no such thing—that this trimming dastardly policy had created much dissatisfaction among their well-wishers, and indignation and contempt among their foes. Far better for the peace of Ireland would it have been had they declared, that they would not, or could not, redress the monstrous abuses of the Irish Church Establishment, had they refrained from professions and promises, which it was hardly possible they could, under existing circumstances, speedily realise, and had they, instead of meeting all difficulties with their coercion, come down and endeavoured to amend the thousand-and-one defects and abuses of the tithe collection measure. God knew he did not make these complaints willingly—that he spoke as much in sorrow as in anger. In truth, he had in no slight degree incurred the displeasure of his constituents by continuing to support Ministers after they had neglected to confer practical benefit on Ireland. His answer was invariably: "Wait a little—give them time—they are yet but young in office; but I am confident they are honest men, and mean well." But how could he again attempt to defend them to his constituents? and if he and those who, like him, were well disposed towards the noble Lord and his colleagues, were compelled to withdraw their support, where were they to look for reinforcements? Not surely among the Tories, who hated them with all the rancour of unsuccessful graspers for place and power. Though generally inclined to support his Majesty's Government, he must on this occasion vote for the Motion of the hon. member for Wexford.

Sir *Hussey Vivian* felt too deep an interest in the welfare of Ireland to give a silent vote on the present occasion. He had very recently stated, and he would then repeat, that he hoped to see the day when tithes should be extinguished altogether in Ireland—and he trusted that that day was much nearer than even he at first supposed; for till the tithe system was abolished, in name and fact, Ireland would be a stranger to peace and prosperity. Hon. Members who asserted, that if the outcry against tithes were acceded to, they should next be called upon to give up their rents, knew little of Ireland, and of the angry feelings with which tithes had been long regarded in that country. The anti-tithe resistance was not the growth of yesterday, and was based on far other principles and feelings than the refusal to pay a lawful debt. It had of late years, owing to a variety of causes, assumed so formidable and universal a shape, that it might now be considered a deep-rooted national feeling. The schedules laid on the Table of the number and character of tithe debts in Ireland during the two years preceding the Bill of last Session, exhibited this fact in a striking point of view. He had carefully examined these schedules, and he found that in fifty parishes there were not less than 19,000 tithe defaulters. Of these 19,000 defaulters, 1,000 only were for sums above *5l.*; 1,400 for sums above *1l.* and under *5l.*; 1,800 for sums under *1l.* and above *5s.* (the remainder being for debts under *5s.*); a great many for not more than *6d.*, and even 2½*d.* and 1½*d.* He would ask, should such a state of things be permitted to exist in a civilized empire? Was it not idle to keep cavilling about the abstract right of the Established Church to tithes, when the Catholics felt that reason and even religion denounced the monstrous principle of their being taxed for the support of a Protestant hierarchy? Let them, then, provide the remedy in time. He warned them as a staunch friend of the Church of England. "Coming events cast their shadows before," and he who ran might read the signs of the times, indicating that not only in Ireland, but in England, the whole tithe system should be wholly redeemed and extinguished. He trusted that Ministers would speedily follow up their Commutation Bill of last Session by a measure for the total redemption of tithes. There surely was not more difficulty than in redeeming the Land-tax; and, as to the principle of compulsion, surely it was as just to make a compulsory redemption as a compulsory commutation of tithes. Such a measure, he was convinced, would not only tend to restore peace and social order in Ireland, but essentially benefit the Church itself. With regard to the complaints of the hon. members for Wexford and Kildare (Messrs. Lambert and O'Ferrall) of police and military having been, under the Coercion Bill, applied to collecting of tithe arrears, all he could say was, that he held an official station, in which he should have quickly heard of the instances and circumstances of such enforcement of the provisions of that bill, had any occurred. He was sure the hon. Members were misinformed. With respect to the statements as to the alleged transactions at New Ross, he was disposed to think the hon. Gentleman had been misinformed. He had been at New Ross within the last fortnight, but had not heard a syllable of the circumstances alluded to, except with regard to Sergeant Shawe, whom he had himself reprimanded. There was, unfortunately, much to correct in Ireland, but it was much which could not be corrected by legislative measures. It was only to be corrected by the gentry possessing the property of that country. The possessors of its estates, to whom they had descended by confiscation, continued too much, he was sorry to say, to treat the people upon them as a conquered people. He wished the real state of Ireland was better known than it was to the gentry of this country. If so, he was sure that her interests would be better understood and provided for than they now were. He did not mean to cast blame upon the present proprietors for the tenure upon which they held their estates, but, unless they pursued a different system, he was sure that legislation could not improve the condition of the country. He believed that, although some legislative measures, such as the Subletting Act, were working generally well, yet that even these were made the instruments of oppression in some cases. As long as such a system continued, disturbance must be its natural consequence. He should be ashamed to presume to undertake the defence of his right hon. friend the late Chief Secretary for Ireland, who was so much more competent than any other man to defend himself; but he begged to deny the charge made by the hon. member for Cork, with regard to the spirit in which his right hon. friend used the expressions "extinction of tithes." Every man who heard them must have understood his right hon. friend to mean a commutation of tithes—or for what purpose could he have promised measures to substitute another system for the old one? With respect to the general state of Ireland, he begged to observe, that hon. Members who judged of that country by the circumstances of this, fell into a very great error. The circumstances of the two countries were different — unfortunately widely different—and the difference was of all importance in legislation. There was much to correct in the institutions and management of Ireland, much which admitted of a legislative remedy, much which admitted of no legislative remedy, and which could only be amended by the moral influence of its resident gentry. The English rule there had been always that of a conqueror; and the habits of the people were, in every relation, early and permanently affected by the difference of feeling and habit between the semi-barbarous conqueror and the somewhat less civilized conquered. No man could legislate for Ireland with advantage that overlooked the original source of much of the national prejudices, and party and religious antipathies, which had so long marred the fair face of that naturally fine country. Then there was the widest difference between the public opinion, the local habits of thought and conduct, of the Irish and the English working classes. In England the landlord resided on his estate, and was acquainted with, and took a warm interest in, the welfare of his tenants, and still lower, the farmer with his workmen—all knew and were mixed up with each other's prosperity. Even the alien and the chance-vagrant had the overseer to secure him necessaries of life. But no such state of things, unfortunately, obtained in Ireland. There the great landlord knew nothing of his estate but through his agent. Thousands upon thousands eked out existence on small fractions of land without any soul to look after their well-being except the middlemen. Then this cultivation merely raised as much as kept body and soul together, without anything like full employment, while the very poor braved a desperate fate between famine and rapine. Was it surprising that an excitable people should, under such circumstances, be easily moved to acts of disturbance and lawlessness? Would it not indeed be wonderful if they remained supine and apathetic? They were easily worked upon; and the disturbances in Ireland were thus easily accounted for. The hon. member for Cork had said, on a former occasion, that all the blood which had flowed in Ireland was in consequence of the expression of the right hon. Secretary for the Colonies as to the extinction of tithes. Now, he (Sir H. Vivian) had never met with any one who did not understand extinction of tithes to mean commutation, and, therefore, the interpretation put upon his right hon. friend's words was most unjust. But did the hon. member for Cork attribute nothing of the state of Ireland to the burning eloquence in which all the misfortunes of Ireland were attributed to England, and this country was called the country of the foreigner and the enemy? Did he attribute nothing to the resistance to the authorities which had been shown from one end of Ireland to another by persons who ought to have known better. Then, again, there was the deplorable party spirit which distracted Ireland from the highest to the lowest—from the seat of justice to the most lowly cabin — influencing the Grand Jury to throw out a bill in the teeth of facts, and the petit Jury to return a verdict contrary to all evidence—which no man unacquainted with Ireland could easily estimate, and which must be wholly extinguished before Ireland could be, what he trusted she would at length be, a flourishing and peaceable portion of the united Empire. No man laboured more anxiously to extinguish that baneful party spirit than Lord Anglesey, than whom no man could be more devoted, heart and soul, to the welfare of Ireland—and, as might be expected, no man was so assailed by the virulent abuse of both the parties which infested that country. This led him to the repeal question. He was one who could never believe, that the advocates of that question could possibly be in earnest in their schemes and assertions—and he had carefully attended to their proceedings at their so called "National Council," in order to learn some argument for their conduct, and what object they actually proposed to themselves to attain. But he had watched in vain—no argument touching the repeal by the members of that council—unless, indeed, some discussion respecting the duty on soap, some story of a woman who sought for relief for a bastard child—could be received as argument in point. He was, therefore, compelled to guess at the intentions and meaning of the repeal advocates, some of whom had declared that they wished to see Ireland independent like Belgium. But did they forget, that Belgium was described in history as the "prize-fighting ground" of Europe; and that if Ireland were to be in the same way separated from England, it would, in the same way, become the prize-fighting ground of Europe? There were two words which were applicable to Ireland—concede and coerce. Let him not be supposed to mean by coercion, bullets or bayonets, but there must, no doubt, be security for property. In this respect the Coercion Bill had produced the very best, and in the county where it was in operation he had not heard of a single act of oppression under it. He would say, look into the state of Ireland; concede what ought to be conceded; correct what ought to be corrected; and then, indeed, they might look for tranquillity and prosperity.

Mr. *Barron* was ready to assert, that from the councils of Lismore and Cashel down to the present time, tithes had ever been the source of discontent and disunion in Ireland. This he instanced by reference to the preamble of the Whiteboy Act, and to the Whiteboys, Rightboys, Peep-of-day-boys, and others, the germs of the present associations amongst the peasantry for the abolition of tithes. Thus, therefore, even in modern times, there was on their records proof of constant disorders for the last sixty years proceeding from this cause; and, no matter what tax was imposed, or what denomination it might go by, if it were in lieu of tithes it would continue to be equally odious to the people of Ireland, unless a share, according to the original intent of these donations, were bestowed upon the poor. In proof of his assertions, the hon. Gentleman referred to the evidence before the Committee last year, and to the report of that Committee, which was understood to have been drawn up by the right hon. Secretary for the Colonies. Until the system was totally changed they would labour in vain for the pacification of Ireland, and that they might do so, and devote the tithes to the purposes of hospitality and instruction, the hon. Gentleman quoted various statutes, from the time of Richard 2nd to the reign of George 4th, imposing these duties upon all holders of Church livings. He then referred to Scotland, which had been relieved from tithes, after a sanguinary struggle, by the indomitable valour of her sons, and instanced her as a country where every man paid only the clergy of his own persuasion. A great debt was due from England to Ireland, and it ought to be paid. The Government had not come forward early enough in the present Session, but let them now do so in earnest, and they should have his support. He said this, because the present system had engendered a hatred to the name of England, and to every thing English, in consequence of the association between tithes and Protestantism, to which the feelings of the Irish people were altogether averse. This system ought, even on grounds of economy, to be changed, as it required an army of 30,000 men to support it, and otherwise it could not be maintained, so contrary was it to Irish feelings, or, if it pleased some Gentlemen, to Irish prejudices.

Mr. *Cutlar Fergusson* hoped, that the open and candid statement of the noble Lord would be sufficient to induce the hon. member for Wexford to withdraw his Amendment. The noble Lord had admitted, that the proceedings had been improper, and that he could not give his sanction to them. He (Mr. Fergusson) had declared, when the Coercion Bill was brought forward, that if the military were to be employed in the collection of tithes, he would not vote for the Bill. He thought the Legislature had been abused upon this point. He now said, that more than a reprimand was required—that dismissal was necessary. He had heard, that an opinion had been given by the law officers of the Crown, that a power which vested in the Crown under the regulations of the extant law of breaking into houses, might be exercised in the collection of tithes, and that persons had been seized under that pretext. He was convinced that the noble Lord could not sanction such outrageous proceedings as the employment of the military in civil process.

Mr. *Henry Grattan* asked the noble Lord, whether the Government would dismiss the Attorney General, and the law officers who had given such an opinion? He asked the noble Lord, whether the law had not been violated? It was easy for him to say, that he knew nothing of it; it was his duty to know of it. What was the use of a Lord-lieutenant? Would Ministers enforce their orders, or would they suffer themselves to be mocked at? Their own officers in Ireland were deceiving or disobeying them.

Mr. *Fergus O'Connor* said, that when, at the passing of the Bill, Members had spoken against vesting such power in the Irish government, it was asked, will you not trust the Lord Lieutenant? All the pledges given by the right hon. Gentleman (Mr. Stanley) on the passing of the Bill had been violated. As to the noble Lord saying, that the proceedings were not had with the sanction of the Government, at all events they were with the sanction of the servants of Government.

Mr. *Montague L. Chapman* said, that all he wished for was, that the Government should show their sincerity by exposing those who had disobeyed their orders. The Irish government had acted in the most strange and inconsistent manner. He knew one case in which a Magistrate wrote to the Irish government to know whether he would be justified in ordering out the police to enforce the service of processes for tithes due at May last. The answer of Sir William Gosset was, that the case was laid before the law officers of the Crown, but that his Excellency did not feel himself warranted in stating any opinion as to the legality or illegality of such an employment of the police force. Here then was the Irish government refusing to give any instructions to the Magistrates as to a point which created the greatest uneasiness and alarm n Ireland.

Mr. *Nicholas Fitzsimon* said, that he thought a case had been clearly made out, and he should give his support to the Motion of the hon. member for Wexford. He could not but express his surprise at the speech of the hon. member for Kirkcudbright, whose observations all tended one way, though his vote was to be given another.

Mr. Secretary *Stanley* said, that in common fairness his noble friend, the Chancellor of the Exchequer, might have been permitted to bring forward his plan for the settlement of all the difficulties arising out of the present system of collecting tithes before this attack was made upon the conduct and character of the Administration. He thought that the hon. member for Wexford had displayed considerable ingenuity in the mode in which he had framed his Amendment. That Amendment contained two questions perfectly distinct from each other: the first was, that "it was the opinion of this House that the Coercion Bill should not have been applied to assist the collection of tithes, and that the pledge given by the Administration that the arrears of tithes should be got rid of had not been fulfilled;" and then came the other, "that the employment of the military and police force in the serving of civil process, and in the levying of tithes, was highly unconstitutional, and ought to be discontinued." Now, the hon. member for Kildare had brought forward a number of cases, in which the military and police force had been attending for the protection of those persons who served civil process; and from his speech it would appear that, for their assistance in the collection of tithes, the powers of the Coercion Bill had been called into employment. Now, before the House came to that conclusion, it ought to separate the two questions which had been thus ingeniously connected together; and, in order to effect that separation, he would just inform hon. Members that, in the county of Kildare, the Coercion Bill had never yet been put in operation at all. There could, therefore, be no ground for the allegation which the hon. Member had so needlessly made, that, in the county of Kildare, the Coercion Bill had been used for the collection of tithes. It would be in the recollection of the House, that when the Coercion Bill was under discussion, it had been said by himself and others, that the tendency of that Bill would be to make the law generally respected throughout Ireland; and the fact was, that individuals, knowing that Bill to be in existence, had proceeded to enforce the rights which they might have been induced to abandon without it. He defied the hon. member for Kildare to point out any instance, save that of the police serjeant Shaw, in which the Coercion Bill had been used as a pretext for collecting tithes. He admitted that Shaw, in direct violation not only of the wishes, but of the express orders of Government, had employed that act for purposes to which it was undoubtedly intended that it never should be applied. He thought that the Magistrates who had conducted the investigation into the conduct of that officer had passed a very lenient sentence upon him. The hon. Member, however, said, that he did not want to have Shaw punished, all that he wanted was, to know by whom Shaw had been authorized to act as he had done. Now, he (Mr. Stanley) had no hesitation in saying that Shaw had not been authorized to act so by the Government. Whilst on this subject, he would beg leave to call the attention of the House to the language used by the Magistrates in passing sentence upon Shaw: they told him, "that they reprehended him; and that, if it had not been for his excellent character, they should have recommended his dismissal, for they wished it to be distinctly understood in all quarters, that it was not the intention of Government to use the Coercion Bill for the collection of tithes." He, therefore, thought that, when the hon. Member brought forward the case of Shaw, who, he admitted, had violated the law, he ought in common fairness to have stated, that the Magistrates, after reprehending that officer, told him that they would have dismissed him from his situation, on account of that misconduct, had it not been for his previous excellent character. This was literally and simply the only case on which the hon. Member had fixed his charge against the Government. [Mr. *Lambert:* No; I have fifty-seven others.] At any rate that was the only case which, with the circumstances of time and place, had been brought to the notice of Government. He had no knowledge of it when he first entered the House that evening, and the paper which he had just read to the House had been put into his hands not many minutes since. Of the other cases to which the hon. Member alluded he had no knowledge whatsoever; but this he would say, that if the hon. Member would mention the times and places at which they occurred, and would substantiate his mention of them by distinct proofs, and not by mere vague allegations, Government would not only disavow them as acts authorized by the Government, but would also visit with suitable consequences those who had so offended against the law. He warned the House, however, against mixing up the operation of the Coercion Bill with the employment of the military and police force in various parts of Ireland. He was sorry to say that for some time past it had been quite impossible for any individual to collect tithes, or to serve civil process for the collection of tithes, without the presence of the military or the police. Those forces, however, had only been present to guard those who served the process, and in doing so, they neither overstepped the strict line of their duty nor acted unconstitutionally, so long as tithes were to be collected. Great stress had been laid upon the fact that the police had broken open doors to collect tithes. Now, what might have happened since he had ceased to fill the office of Secretary for Ireland he could not precisely state; but this he must say, that, so long as he was Secretary, the impression of the law officers of the Government was, that the police had no right to break open doors to serve a civil process. [An *Hon. Member:* "Captain Gunn—Captain Gunn."] He could not, he repeated, answer whether such an opinion had been given or not; but of this he was certain—that whilst he was Irish Secretary he had not heard or known of any house having been broken open by the police. It had also been said, that excessive severity had been displayed by the clergy in the collection of their tithes. He could not pretend to explain how gentlemen who ventured upon that assertion could reconcile it with another which they had made in the course of that evening, that only 2,000*l.* had been recovered by the clergy out of 104,000*l.* which was admitted to be due to them up to last February by all parties, and which he contended to be much less than their strict due, owing to their reluctance to enforce their claims to the full extent in the present excited state of Ireland. His noble friend the Chancellor of the Exchequer, in the discussion on the Coercion Bill, had said, that it was the intention of Ministers to submit a proposition to the House, which would render it unnecessary to carry into effect the Bill of last year, and which would provide for the arrears of tithes due for the last three years; and, in point of fact, his noble friend had that night intended to introduce a bill for that purpose, founded on the proposition of a land-tax, which had come from the Gentlemen on the other side of the House last year, and which they then declared to be a proposition which would spread universal satisfaction throughout Ireland. He regretted exceedingly that his noble friend had not been permitted to accomplish his design; for his noble friend, on one of those discussions, distinctly stated, that until that proposition was adopted as a substantive proposition by that House, he could not put an end throughout Ireland to all processes for the collection of tithes in Ireland. He believed, however, that the collection of tithes had ceased throughout Ireland on the part of Government. He believed such to be the case in consequence of the correspondence which had taken place between the officers of Government and the police-officer who, in the county of Kildare, had broken into several houses to collect tithes. That police-officer, in reporting to Government, had stated that, "finding it impossible to collect the tithes for 1831, in spite of the great lenity which had hitherto been displayed in collecting them, and finding it also impossible to arrest the defaulters in open day, he had gone with part of his force before daybreak, and having broken open ten houses, had carried off the inmates to gaol." And yet upon a motion of censure upon the Government, and upon his noble friend as the head of it—[*Several Members:* "No, no."] No? (said Mr. Stanley) Let any man with the slightest spark of honour in his breast tell me that it is not a direct censure upon the Government to say, that the pledges which they gave to pursue a certain line of policy have not been, and yet ought to be, fulfilled. I trust that I shall never see any Government which will tamely submit to such a censure from the House, or which having received such a censure, shall be deemed worthy of its confidence in future. Not a censure! ["Yes; it is a censure."] Well, then, it is a censure; that is one point at least gained, for it has been hitherto denied during all this evening that any censure at all was intended upon the Government." The right hon. Gentleman proceeded to say, that the report of the police-officer to which he had just been alluding was made on the 5th of June 1833. On the 7th of June 1833, was this answer sent to him from the Castle:—"Referring to your report of the 5th instant, from which it appears, that in order to arrest certain tithe defaulters in the parish of Rathangan, you broke open the doors of certain houses, I am desired to acquaint you that you have done this in direct violation of your orders, and that you are expected to offer immediately any explanation which you may have to give of the causes which led you to adopt this extraordinary conduct." [Mr. *O'Connell:* To whom was this letter directed?] To Captain Flinter. Now, he thought that if the case rested here, the paper which he had just read would be in itself a justification of the conduct and of the feelings of Government. But it so happened that in another part of this letter reference was made to the orders issued to the police on this very subject, on the 12th of May last, on which day the Government of Ireland received the first intimation of these improper practices. He thought, then, that, with these papers to back him, he had a right to say, that Government stood entirely acquitted of the heavy charges which hon. Members that evening had preferred against it. He had, on former occasions, admitted the great difficulty of collecting tithes in Ireland; and he would not now, for the thousandth time, refer again to the words "the extinction of tithes," or to any plans for the extinction of the present system of tithes; for he supposed that he must submit to the misrepresentations which had been so sedulously spread abroad of what he had before said upon that subject. But he had never meant—and no man had ever ventured to say, that he meant—by the extinction of tithes that there should be a cessation of every kind of payment for land which was now subject to payments for tithes; and when the hon. member for the county of Cork came forward and said, that the Government was only adding insult to injury by proposing a land-tax in lieu of tithes, inasmuch as the landlords would be more severe in exacting the value of it from their tenants than the clergy had been in exacting their tithes from their flocks—

Mr. *Fergus O'Connor:* I never said any such thing. I merely quoted that as an opinion stated by the right hon. Baronet the member for Tamworth.

Mr. *Stanley* understood the hon. and learned member for Cork, to represent the right hon. Baronet the member for Tamworth as averse to any plan of commuting tithes, because it might be abused by the landlords so as to compel their tenants to pay them 1*s.* 3*d.* hereafter for every 1*s.* of tithes which they paid at present to the clergyman. But the hon. Gentleman had not stopped there, for he had used this argument of the right hon. Baronet as a reason why tithes should not be commuted at all: and therefore, he felt himself justified in calling upon the hon. Gentleman, and also upon the hon. and learned Gentleman, the member for Dublin, if they would neither have a commutation of tithes nor a land-tax in lieu of tithes, to give to the House their views as to what they meant by the extinction of tithes, and how they meant to get rid of the present system. If they were to be told, that the tithe system was bad, that the commutation system was no better, and that going from a commutation system to a land-tax was only going from bad to worse—[Mr. *O'Ferrall,* "I never said so."]—"Not say so? (continued Mr. Stanley) I beg the hon. Gentleman's pardon, but those words are too remarkable to be soon forgotten. Yes, the hon. Member, after a severe comment upon my noble friend for proposing to pay off by a land-tax the loan to be advanced to the people of Ireland, to meet their arrears of tithes, used this expression: 'So, you go on from tithes to commutation, and from commutation to a land-tax, and so on, step by step, from bad to worse.' Now, if the hon. Member and his friends intended to get rid of the payment for tithes altogether—["No, no."] I am glad that the hon. Gentlemen opposite have made that disavowal; but as it has been extracted from them now at this the eleventh hour, I feel myself justified in calling upon them—and I hope that the House will join with me in calling upon them—if they find fault with the system of exchange which we propose for tithes, to state what system of exchange they have in their contemplation, and to take the sense of the House upon it."

Mr. *O'Ferrall* wished to say, whatever words he might have used, that he by no means meant to express the sentiment which the right hon. Gentleman had, by misinterpreting his words put upon them.

Sir *Robert Peel,* in allusion to what had fallen from the hon. member for Cork, (Mr. F. O'Connor) during his absence from the House, said, that he had never, to the best of his recollection and belief, expressed himself adverse to any reasonable plan of tithe commutation. He might have said, that the absolute extinction of tithes would not be of great benefit to the Irish tenant; for as the Irish clergymen, generally speaking, made a large reduction in the value of the tithes which they had a right to claim from the farmers, and as the Irish landlords would, if tithes were abolished, have a right to demand from the farmer an equivalent for the tithes which they formerly paid to the clergymen, it might turn out, that the landlords would demand more from them than they had hitherto been accustomed to pay to the clergy. More than that he did not believe that he had ever said—and certainly he had never expressed himself hostile to any well-arranged plan for the commutation of tithes.

Mr. *O'Connell* said, the right. hon. Gentleman (Mr. Stanley) had asked him what he meant by the extinction of tithes, consistently with a payment out of land. He would tell the right hon. Gentleman what he did not mean by the extinction of tithes. [*Cries of* "*oh, oh!*" *and laughter.*] He would ask what had he done, or what had his country done, that Members should dare to put him down in that ruffianly manner? [*Cries of* "*oh, oh!*" and "*Order, order.*"]

Mr. *Stanley* rose to order, amidst loud cheers. He apprehended that no hon. Member was justified in using the word "dare" as applying to the course which any other hon. Member might choose to pursue.

Mr. *O'Connell* would ask how any Members could presume to raise such ruffianly shouts as had been raised against him on that occasion.—*Loud shouts of* "*Oh, oh!*" *and* "*Order, order,*" in the midst of which—

Lord *Sandon* rose to order. He hoped that if the House wished to preserve the character of an assembly of gentlemen, they would not allow such language to be used in that House, whatever might be its cause. He would not justify the interruption that had been given; but he must say, that if that House was fit to represent the people of England, they should not allow such language to be addressed to them in the House, whatever they might do with respect to language held out of it. He would call on the right hon. Gentleman in the Chair to declare his opinion of the language which had been used by the hon. and learned member for Dublin.

The *Speaker* said, that the call made upon him by the noble Lord was such as he could not but answer. The language of the hon. member for Dublin was undoubtedly disorderly, and the provocation which he received was equally disorderly. He was sure, that the House would feel indebted to the noble Lord for calling its attention to the subject, and that it would give its censure equally to both sides; and he hoped that what had been said by the noble Lord would bring back the attention of the House to what was before them, and be a proper guide to them as to the course they ought to pursue.

Mr. *O'Connell* wished he knew how adequately to receive what had fallen from the right hon. Gentleman in the Chair, and adequately to express his apology for anything he might have said. He would wish to express himself in terms as happy as those in which that reproof had been conveyed; but finding it impossible to do so he implored the right hon. Gentleman (the Speaker) to consider of a suitable apology for him—to consider what he ought to say, and to believe it to be said. He was saying, when he was interrupted, that he would tell what he did not mean by an extinction of tithes—he did not mean that there should be regiments of horse, foot, and artillery to collect them—that there should be military and police employed in their collection—and, least of all, he never meant that there should be breaking into houses with respect to them. He did not mean that such scenes should take, as had taken place in the county of Kildare—that the daughter of Mr. O'Donnell should be dragged from her residence, and not allowed time to dress herself before she was hurried off to Clonmel gaol with her father; or that Mr. O'Regan should have been used as he had been. He meant something very different by the extinction of tithes. He meant something very different from what had been the effect of the passing of the Coercion Bill. Several charges had been brought forward by the hon. member for Wexford. He gave credit to the hon. Member for not intending to censure the Government by his Motion; but the terms of that Motion certainly did convey a censure upon Ministers. There were two things complained of—the abuses of the Coercion Bill, and of the Police Laws. Were any of the cases cited denied? The case of Shaw was brought forward, not with a view to punish him, but in order to ascertain upon what authority he acted. If Serjeant Shaw had acted upon his own authority he ought to be dismissed; but it did not appear that he had been. As to the 57 cases quoted, it was said by the right hon. Gentleman, that if they were established, he would visit the offenders with punishment. That declaration was cheered by the House; but had those cases, or could those cases, be denied? He would state the case of the reverend Mr. Thompson, of the parish of Myross, in which there were 3,347 acres let at a rack-rent of 2,937*l.* Upon this rack-rent, the reverend Gentleman exacted a tithe of 550*l.* or one-sixth per annum. There was the additional aggravation that in his parish there were scarcely three Protestants. The case of Archdeacon Trench was another of great hardship, for he held one living at Ballinasloe, and another in Louth. At the latter place his tithes were collected by the police, at an expense of 10*s.* upon every 1*l.* 7*s.* 6*d.* that was due, and these for tithes, which fell due on the 1st of May. Here, too, it was to be observed, according to a letter which he had in his pocket, the reverend Gentleman's person was unknown, for he had never been in the parish. In various counties the police were going about collecting tithes, and all this in direct violation of the law; but then it was in Ireland that these violations of the law took place, and redress, therefore, was not to be expected. He only stated the fact that the police were so employed, and he attributed no blame to the noble Lord, for he believed that the noble Lord was not acquainted with the fact. The noble Lord had said, that he would inquire into the facts, and would censure the Irish authorities for permitting it. He (Mr. O'Connell) wished the noble Lord had added, that he would remove the present authorities and substitute others—he cared not whom. He recollected having stated what had been done in the county of Roscommon for collecting tithes, and he had received a letter that very day mentioning the violation of the law, and saying, that the Coercive Bill was established to collect tithes, and that the police acted under it. He should agree with the hon. member for Kirckudbright, that the noble Lord ought not to be censured if those cases were not proved, and if the noble Lord had punished those who had been guilty of them. But, as the noble Lord did not censure them, he would appeal to the hon. member for Kirkcudbright if the noble Lord was not pursuing the course formerly adopted by Lord Anglesey and his then Secretary? When the noble Lord identified himself with those under his command, he was equally liable to censure with them. For his own part, he doubted whether they had a right to break open houses, or whether the police could, by law, act as they had done—he had his opinions upon that head, and he should like to see them tried. A wise Government ought to take care that the police should meddle as little as possible with a man's castle. It was stated that the law-officers had given no such opinion as that attributed to them. If that were the case, why had not Captain Gunn been dismissed? His defence was, that the opinion of the law officers of the Crown justified his conduct. And these things were called "the extinction of tithes." As to the speech of the hon. and gallant Commander-in-chief of the Forces in Ireland, he knew not where to find its parallel, unless indeed in the speech of the Marquess of Anglesey at Cork, in which he piteously lamented that the people did not take off their hats. The hon. and gallant General said, that he found in England a most profound ignorance of the state of Ireland; and yet he said: "Don't let them have a parliament of their own, or anything of the sort." That might be very excellent gallantry, but it was admirably bad logic. That done, the gallant General told the House tithes could never again be collected, and he at once knocked up the Established Church, for he said not a syllable of any substitution. From the Church the gallant General proceeded to the landlords, who fell under his peculiar displeasure; as did the courts of law, in which he said there was no justice. So that there was to be no law, no peace for landlords, and no keeping up of the Established Church, unless tithes were abolished. Some Gentlemen had said, they had once confidence in the present Government; for his own part he never had, and he knew from the beginning that the Bill was mainly meant for the collection of tithes. Was it known what had happened last week at Middletown with respect to these tithes? The officers and soldiers were obliged to retreat into the town—of course they did not fire upon the people; but they gave the people a triumph which would have dangerous consequences. All this happened about tithes, and it was for establishing and bringing about this, that that House so vehemently cheered the late right hon. Secretary for Ireland. Well, at any rate, for that night he had used his great talents in a fresh way—he had condescended to quit the colonies, and throw a little slavery over the whites of Ireland. He would not close his observations without answering one challenge of the right hon. Secretary. He had never given it to be understood that he wished the ministers of the Established Church in Ireland to lose one farthing of their incomes during their life-time. He also denied, that he wished to see the Clergy of the Establishment reduced to a smaller number than was necessary for the spiritual wants of the Protestants. But he would not have the present system of payment pursued; he would have tithes extinguished. Tithes were composed of two ingredients—the land of the landlord and the capital and labour of the tenant. What he wanted was, to save the Established Church as little trouble as possible—that it should have nothing more to do than to go to the Treasury and receive its salary half yearly. Such a plan would give satisfaction, and he begged to mention that the landlords of Ireland were not what they were represented to be. Certain representations might be well applied to absentee landlords, but could not be justly applied to the resident landlords. He repeated, he had no confidence in Ministers; they had deceived the Irish, and the Catholics above all were deceived with respect to Vestry Cess. They no longer attended the Vestries, because they thought it would not be levied, and thus they allowed it to be voted, and it in consequence continued to be collected. He would not follow all that had been said by the right hon. Gentleman, but he would mention the fact, that not less than thirty-one Bills were filed in the Court of Exchequer for tithes, with at least 900 defendants, and allowing the costs of each defendant to be 10*l.*, there would be 9,000*l.* expended for the costs of levying tithes. How, then, when such was the case, could he be accused, when he said that Ministers had violated their pledges? Perhaps they had not done so designedly; but facts, bore him out in saying, that they virtually had. Ministers might be ignorant of the violations of the law, but they ought to punish other violators of it when they were pointed out to them.

Mr. *Shaw* could not help agreeing with the hon. and learned member for Dublin (Mr. O'Connell), that the gallant General's speech was well calculated to give offence to every class of persons in Ireland; and he must add, that he never heard a speech less likely to produce submission to the laws, or that could be more easily turned into a justification for the resistance to all constituted authority. He (Mr. Shaw) had merely risen in consequence of the attacks which had been made on individuals belonging to the Irish clergy. It was impossible to be prepared by anticipation with facts to meet the various charges brought, without any previous notice against the clergy; but in the case of Archdeacon Trench, to whom allusion had been made, it did so happen, that although it had been stated that night that he had never been seen in his parish, he (Mr. Shaw) had received within the last few weeks a letter from him, dated from that very parish; and he had known of his having been frequently there. Archdeacon Trench had been charged with oppression, for having put the collection of his tithes into the hands of a professional person; and the very letter to which he (Mr. Shaw) had alluded was to inquire from him if the Government had any plan to propose of giving pecuniary assistance to those of the clergy who had been deprived of their incomes, as he (Archdeacon Trench) was unwilling to resort to legal proceedings while any other expedient remained to him. Now, this instance, where his (Mr. Shaw's) having the means of explanation was merely accidental, might serve as a specimen of the unjust accusations habitually brought against the Irish clergy, whose extreme moderation and forbearance, take them as a body, had been unexampled, and which he verily believed had led to their greater oppression on the one hand, and—because they have had too much spirit and good feeling to clamour as others under their circumstances would have done—to their more unmeasured and unfeeling vituperation on the other. With respect to the hon. member for Wexford (Mr. Lambert) it was a question entirely between the hon. Member and his Majesty's Government, and in which he was not inclined to interfere. He must say, however, that the hon. Member's attack was but a just retribution to the Government, for their weakness and folly in allowing his amendments about tithes to be made to the Coercive Bill, for the mere purpose, as they admitted at the time, of humouring the fancy of the hon. Member, although their own law officers declared, as well as the right hon. Secretary (Mr. Stanley) that it was a silly amendment, and that the Bill would be much better without it. But the consequence was what he predicted. Others did not suppose his Majesty's Ministers would suffer an amendment to be introduced which was to have no meaning, and therefore they drew from it a meaning which never was intended. No person had been so absurd as to contend that a district could have been proclaimed merely because tithes, or any other legal dues, had not been paid. But if the Government for a moment maintained, that the clergy were not to have the protection of all existing laws in pursuing a legal remedy for the recovery of their just right, he would tell them that such a doctrine would be subversive of all government, and destructive of the rights of all his Majesty's subjects, and would shake the very foundation of all the property of these countries. Allegations were made that individual clergymen had transgressed the law. If they did, no doubt, there would be found an abundance of willing witnesses against them, and he (Mr. Shaw) claimed no exemption for the clergy from the strictest rigour of any penalty they might legally incur; but he well knew that, generally speaking, they had been enduring the severest privations, far within the limits of the law, and he would never admit that they were to be marked out as a proscribed class, or that either his Majesty's Ministers, or the hon. member for Wexford, could refuse them any more than other men the full benefit of the law.

Lord *Duncannon*, in the absence of the Secretary for Ireland, offered an explanation relative to the severity exercised in the county of Tipperary in the collection of tithes. Mr. Gunn applied, not to the regular law advisers of the Crown, but to the Crown solicitor, to ascertain whether he was at liberty to break open doors in serving Crown processes. Mr. Gunn, acting under a misapprehension, did resort to this mode of proceeding, and, as had been stated by the hon. member for Clonmel, great severity was exercised in the district in question, which, however was the only part of Munster where such cases had occurred. As soon as the proceedings became known to the Irish government, an order was sent down to put a stop to it, and there was no repetition of the severity. The same sort of misapprehension having occurred in parts of the county of Kilkenny, he did not say that some cases of a like nature might not have happened there, but means had been taken to prevent their recurrence.

Mr. *Fitzgerald* stated, that Archdeacon Trench held the living adjoining to the parish in which he (Mr. Fitzgerald) lived, and that the reverend Gentleman had not resided there since he got the incumbency. The name of the parish was Dunleer; and he held in his hand a letter, which showed that the daily occupation of the police was serving *latitats* from the Court of King's Bench, for tithes due to Archdeacon Trench on the 1st of May. This would prove to the right hon. Gentleman opposite, that considerable severity had been resorted to, and that the police were employed in the collection of tithes.

Mr. *Ronayne* said, that Gunn was not the only person who had been guilty of undue severity. If the House wanted to know who was Gunn's evil genius or adviser in this matter, he (Mr. Ronayne) could tell them, for he could produce the written opinion of one Green, the Attorney General's (Ireland) deputy, authorising Gunn to take the course he had taken.

Mr. *Denis O'Connor* read a letter from the Chief of Police of Roscommon, detailing the circumstances attending the serving of tithe processes by him there. By that it appeared that the police were authorized to go out, not merely as protectors to tithe-collectors, but as tithe-collectors themselves. There had been a violation of the pledge that the Coercion Bill should not be put into operation for the collection of tithes, he should therefore vote for the Resolution of the hon. member for the county of Wexford, without, however, wishing to impugn the conduct of the Government. He repeated, the pledge given to the House had been violated somewhere—it devolved upon the Government to ascertain in what quarter, and to punish the parties. Perhaps if the noble Lord undertook to institute an inquiry on the subject, the hon. member for Wexford would consent to withdraw his Motion.

Lord *Althorp* observed, in reference to what had fallen from the hon. Member who spoke last, that he entirely concurred in the statement made by his right hon. friend, that undoubtedly the Government would punish those who might have misapplied the Coercive Bill to enforce the collection of tithes. He thought if it were proved that parties had used the Bill for the purpose of collecting tithes, an inquiry should be instituted, and it would become the duty of Government to punish the offending parties by dismissal or otherwise.

Mr. *Anthony Lefroy* said, he did not rise at so late an hour to take part in the discussion which had so long engaged the House, more particularly as it appeared to be confined to the party of the member for Dublin and his Majesty's Ministers. He had long foreseen the flame which the promises given by the late right hon. Secretary would be calculated to excite in Ireland; and though he sincerely regretted it, he was not the less sure that it would extend till it would endanger all property. He wished, in consequence of what had fallen from the member for Westmeath, as a charge against his noble friend, the Marquess of Westmeath, to state, that when the hon. Member complained that the noble Marquess had taken legal proceedings to enforce the payment of tithe due to him to the 1st of last May, he should have informed the House that that noble Lord had done so in consequence of his having received no tithes for the last three years. This he believed had been the case in those instances where the clergy had been compelled to take a similar course for the recovery of their just rights, though, even in such cases, he would not allow it to be stated in the House without contradiction, that the exactions had taken place, which were so often this night urged against them.

The House then divided on the Amendment, when there appeared: Ayes 45; Noes 197—Majority 152.

List of the AYES.

Aglionby, H. A.
Bainbridge, E. T.
Baldwin, Dr.
Barry, G. F.
Bellew, R. M.
Blake, M. J.
Butler, Hon. P.
Chapman, M. L.
Evans, G.
Finn, W. F.
Fitzgerald, T.
Fitzsimon, C.
Fitzsimon, N.
Gillon, W. D.
Grattan, H.
Grattan, J.
Gulley, John
Kennedy, James
Lynch, Andrew
Macnamara, Major
Nagle, Sir R.
O'Brien, Cornelius
O'Callaghan, Hon. C.
O'Connell, D.
O'Connell, Maurice
O'Connell, Morgan
O'Connell, John
O'Connor, D.
O'Connor, F.
Oswald, R. A.
Perrin, Sergeant
Roche, William
Romilly, E.
Romilly, J.
Ronayne, D.
Ruthven, E.
Ruthven, E. S.
Strutt, E.
Sullivan, R.
Talbot, J.
Talbot, J. H.
Vigors, N.
Walker, C. A.
Wallace, T.
Wallace, R.

TELLERS.

Lambert, H.
O'Ferrall, R. M.

PAIRED OFF.

Roebuck, J. A.

House resolved itself into a Committee.

Lord *Althorp* said, that according to promise, he would now proceed shortly to state the objects he proposed to effect. By the Act of Parliament passed in the last Session for the composition of tithes in Ireland, from and after the month of November, 1833, tenants of land were not to be liable to the payment of tithes. The effect of this measure would be, that after the tithes of this year had been paid the occupying tenants would be no longer called on to pay tithes. He thought it would be admitted to be most desirable that Parliament should take measures to relieve occupiers of land in Ireland from the payment of tithes from the present time. It was not in his power to state accurately at the present moment the amount of money which it would be necessary to advance to the clergy of the Established Church in order to effect that purpose; but he thought it would be admitted that the House ought to pledge itself generally that a sum of money should be advanced with a view to afford this relief, and that Government should be empowered to abandon (as it had the power to suspend) all process under the existing law. He trusted, when this proposition should be agreed to, that the clergy, feeling there would be no pressure upon them, would perceive that there was no longer any necessity to press the tithe-payer for money, and that in consequence of this altered feeling no future case of harshness or severity would arise. The mode in which the money to be advanced should be repaid would be by a land tax in Ireland for a limited number of years. This tax would be charged, in the first instance, upon all land, but persons who should have paid the amount of tithes to which they were liable for the years 1831, 1832, and 1833, would be exempted from payment of the land-tax on the production of their tithe receipts, or upon otherwise proving that they had paid their tithes. This would be in the nature of a full acquittance of the tax. The noble Lord concluded by moving: "That it is the opinion of this Committee that an advance of money should be made to the clergy of the Established Church in Ireland, to relieve the occupying tenantry from payment of the arrears due for tithes and composition for tithes during the years 1831 and 1832, and from the payment of tithes and composition for tithes, in the year 1833. That such an advance shall be repaid within a limited time by a land-tax in Ireland, chargeable on all land liable to the payment of tithes, the owners of which shall not have paid the tithes, or composition of tithes, which became due during such years."

Colonel *Perceval* wished to know whether this was to extend to lay impropriators?

Lord *Althorp* said, that the clergy were the only persons contemplated in the advance.

Sir *Robert Peel* asked, whether all anterior demands on the part of the clergy for arrears of tithes would be extinguished by the Resolution? It was possible that there might be arrears of an older date than 1831. He thought it desirable that the Resolution, if agreed to, should be carried at as early a period as possible, and that it was of the utmost importance to have the true intent and meaning of the measure clearly and distinctly understood in Ireland.

Lord *Althorp* said, that considering the situation in which the clergy of the Established Church in Ireland were placed, it was proposed by the Resolution, that an advance should be made to them by

Government, in lieu of the arrears for tithes due for 1831 and 1832, and for the whole of the tithes of 1833, and he was sure that, on that advance being made, the clergy would give a receipt in full for the three years in question. With regard to the other portion of the right hon. Gentleman's question, he (Lord Althorp) had only to say, that this was a temporary measure, and that it would not interfere with any existing law upon the subject.

Mr. *Shaw* begged to remind the noble Lord, that it was in the year 1830, that the systematic opposition to tithe commenced in Ireland; and he believed, that in a majority of cases, the tithe of that year was now due. He was however persuaded, that the proposition of the noble Lord would be received by the Irish clergy in a spirit of the utmost fairness and liberality—with a desire on their parts, to make no captious objections, but as far as possible, to facilitate any arrangement for promoting peace and good-will amongst all parties concerned in the adjustment of their claims.

The House resumed. The Committee to sit again.

HOUSE OF LORDS,

Thursday, June 13, 1833.

MINUTES.] Petitions presented. By the Earl of RODEN, from the Protestant Dissenters of Boyle, against Irish Church Reform; from Dublin, for the Better Observance of the Lord's Day; and by the same, and Lord SUFFIELD, from several Places,—against Slavery.—By the Duke of WELLINGTON, from Ross-shire, for Compensation to West-India Proprietors.—By Earl BATHURST, from Bisley, against taking away the East-India Company's Charter.

BREACH OF PRIVILEGE.] The Marquess of *Westmeath* rose with great pain to make a complaint to their Lordships of as gross a Breach of Privilege on the part of a public Newspaper towards an individual Member of their House as had ever been brought under their notice. It was to him extremely unpleasant to trespass on their Lordships on a personal subject, but he felt it necessary to exonerate himself. It was not his intention, he begged to observe, to follow up his complaint by any motion, but simply to read the paragraph of which he had to complain, and then, in the presence of their Lordships, to refute its contents as a base, calumnious, and abominable libel on his character, as degrading from the source from which it emanated as, he trusted, it was unmerited by the individual on whom it sought to affix the stain. Having shown the calumny of the assertions, he should leave the individual who made them to the punishment of his own conscience. In the *Dublin Evening Mail* of Monday last he found the following passage:—

> "LORD WESTMEATH.—By the lists in the London Papers it would appear, that Lord Westmeath voted in the minority on the Duke of Wellington's Motion on Monday night, and consequently in favour of Ministers. We are unwilling, upon that which has so often proved to be such erroneous authority as a newspaper list to say of Lord Westmeath what we think of such base, shuffling, and unworthy conduct as this, if he have really been guilty of it. But the moment we ascertain the fact—if it be so—we shall have occasion to direct his Lordship's attention to some letters of his in our possession—letters of so strong, furious, and inflammatory a nature—so grossly abusive of Ministers, and so virulently condemnatory of their measures and proceedings, that we used our best efforts with his Lordship, and successfully, to withhold their publication. We quarrel with no man for his politics, and we respect the person who, having made his election and taken a side, maintains his principles and adheres to his party. But we protest against, and all honest men will join in decrying, the creature who shifts his position as caprice or interest may dictate, alternating between Whiggism and Toryism—now a Conservative, and anon a Radical. It will give us sincere pleasure to find that Lord Westmeath did not give the vote imputed to him; if he did, he must abide the consequences."

As he before observed, it was not his intention to follow up his complaint by any motion; and, having read the paragraph of which he complained, he would at once proceed to clear his character from the stigma which such an accusation, if capable of being corroborated, would attach to him both as a man and a Member of their Lordships' House. It would be in the recollection of their Lordships, that during the last Session frequent discussions took place in their House upon the state of Ireland, many of their Lordships urging upon the Government the necessity of passing some measure to enforce the due collection of tithes, and the maintenance of the authority of the law. Such discussions at the time he had cordially lamented, and had even gone so far as to deprecate them on more occasions than one. On his return to Ireland, however, after the prorogation of Parliament, he discovered that the condition of the country was certainly as bad as, if not even worse than, it had been represented; and he might then have expressed himself, both in letters and in conversation, against the Government for having left the country so long without the protection of some such measure as had lately passed. He repeated, he did not doubt but he might have written letters, confidential letters, containing strong opinions upon the state to which the country was reduced; but he was confident, if any man should be found base enough to publish to the world his letters, written, as he before observed, in a spirit of confidence, and never intended for such publication, it would appear he had never stated in one of those letters that which, if he had not already stated, he was not afraid then to state in their Lordships' House. His opinion being this, as he stated, in favour of some measure to enforce a due observance of the laws, it was with great satisfaction that he found that a Bill with this view was introduced by the Government, and he, from the outset, determined to give it his support. Whether his doing so was called Whiggism or Toryism he knew not, and cared not. To himself, as a Member of the Legislature, and to his conscience, it appeared but common honesty to give his support to a measure which he firmly believed was requisite for the preservation of his country. He was accused of being instigated in his parliamentary votes solely by considerations of personal interest. But how was such an accusation supported? Was it supported by the fact of his having voted against a motion by which the Coercive Act was proposed to be made available for the collection of tithes? Certainly not. He was himself deeply interested in the collection of tithes, and yet on principle he had opposed a motion which, if carried, would have enabled him to collect with certainty a large portion of his income. The imputation of personal and corrupt motives contained in the paragraph he had read was, he submitted, a gross, an abominable, and a most unfounded libel. It was true, although he voted with the Government for the Coercion Act, he did not think it went far enough; but, as his vote was given solely on the principle that "a bird in the hand was worth two in the bush," it was but natural for him to allege, that the allegation respecting that vote was an abominable libel. Then with respect to the particular vote to which the paragraph referred. When he came to the House upon the occasion of that discussion, he was altogether undecided what part he should take; but, having heard the speeches on both sides of the question, and in particular the speech of the Noble Earl at the head of the Administration, it did appear to his conviction that, in giving the vote he did give—namely, in favour of Don Pedro as opposed to Don Miguel—he was taking that part in the discussion which, as a consistent man, he was bound to take.—Indeed, but for the fear of wearying their Lordships' attention, he would have risen in explanation of his motives for the vote he intended giving, and to have stated that he was at a loss to know how far it was consistent for those who had for years so strenuously, and, he would say, properly exerted themselves to strangle the rising influence of the Roman Catholic Priesthood in Ireland, to contend for a government like that of Don Miguel's, the main prop of which was the support and countenance it received from the Roman Catholic Ecclesiastics. Having thus, he hoped, justified his character against the abominable stigma sought to be attached to it, he had but to express his thanks to their Lordships for the patience they had manifested towards him, and to assure them, that, whether his conduct was in conformity with the wishes of the violent paper to which he had referred or not, he would continue to take that part which he believed to be honest, and which his conscience might dictate to him to be correct.

EMPLOYMENT FOR AGRICULTURAL LABOURERS.] The Duke of *Richmond* said, that the object of the Bill he held in his hand was, to amend the Act of last Session relative to the better employment of Agricultural Labourers in certain districts. That Act had passed after some discussion, but without any division, and the object of the present Bill was to explain parts of it that were obscure, and to add a penalty clause, the want of which in the Act, had been felt in many instances. He should have done no more than merely state in this manner the object of the Bill, had the observations on a former evening not been made, and was there no opposition expected from the right reverend Prelate (the Bishop of London), who was, of opinion that a labour-rate was contrary to principle, and that it was impossible to enact a scale of payment which would do justice to all classes. Though there might be some truth in this latter remark, yet he must say, that he thought the principle of giving the rate-payers the means of employing the labourers in their district must be advantageous. It could not be wrong that they should have the expenditure of their own money. Moreover, the agreement was not binding unless sanctioned by a majority of the Justices in Petty Sessions assembled, and not quashed by an appeal when it became a contract. In his humble opinion that was a sufficient guarantee against any act of injustice. He must, however, refer to the papers which were moved for by the right reverend Prelate on a former occasion, and entreat their Lordships to believe that, in the observations he should make on that Report, he had not the slightest intention to detract from the merit of those gentlemen who undertook the gratuitous, though arduous and important office, of Commissioners to inquire into the present state and operation of the Poor-laws. He would call the attention of their Lordships, particularly, to those parts of the Report which were favourable to this Bill, and he would leave to the opponents of the measure the task of quoting any portion which had a contrary tendency. The Commissioners stated, that they had been struck by the frequent recurrence, in the answers to their inquiries of the suggestion of a labour-rate. The Commissioners then proved that a general feeling in favour of a labour-rate existed in the country; and their Lordships would find upon inquiry, that persons who had seen the experiment tried, were of opinion that it had worked well, both for the employer and the employed. The Commissioners proceeded to say, that the expedient was generally proposed 'Where a portion of the land 'in the parish is not cultivated to the 'extent which would be profitable, although 'there are labourers in the parish ready 'to do the work, and supported in idleness 'or unproductive labour, in consequence 'of the refusal of the occupiers of the 'land to employ them. This is a subject 'obviously unfit for legislative interfer'ence. The refusal of an occupier to 'employ labour profitably must arise from 'want of capital—in which case it would 'not be remedied by a labour-rate—or 'from a perverseness so contrary to the 'ordinary principles of human nature that 'it may be safely left to its own punish'ment. It cannot be necessary to force 'men, by Act of Parliament, to make a 'profitable use of their capital.' He had not the slightest wish or intention of interfering with the profitable use of the capital of the occupiers; but the Legislature ought to take care that the labourer whose only wealth was his labour, should have the means of supporting himself by employment, instead of being dependent on the overseer for relief. The second case put by the Commissioners was this:—'Where the labourers in the parish are 'more than are wanted for the profitable 'cultivation of the whole of the land, and a 'portion of them who, if employed, or still 'further cultivating the land, would earn not 'the whole, but a part of their mainte'nance, are supported in idleness, or in 'comparatively unproductive labour, in 'consequence of the refusal of the occu'piers, or of some of the occupiers, to 'employ them in further cultivation, at a 'loss, indeed, but at not so great a loss, 'as is actually incurred.' To this case of the existence of surplus labourers, whose services were wholly, or almost wholly wasted, but which might be turned to some account, the Commissioners gave the following answer:—'That they have met with many cases in which an agreement 'among the occupiers to divide among 'themselves, the surplus labourers has 'immediately been beneficial, has dimin'ished the rates, increased the fund for 'the payment of labour, and improved the 'character and condition of those labourers 'whom it has taken into farm-service from 'the roads or the gravel-pit.' That was in fact one of the great objects contemplated by the Bill, and yet those gentlemen put forth that as an argument against it. The Commissioners went on to state, 'That they have met with a still greater 'number of instances by which one or 'more individual occupiers have, by their 'resistance, either prevented or occasioned 'such an agreement to be discontinued, 'or have obtained an unfair advantage by 'participating in the reduction of rates 'without contributing to the process by 'which that reduction has been effected.' Yet the Commissioners said, that the evil seemed to them, in the first place, unfit for Legislative interference, and that it arose either from a want of capital, or a perverseness of disposition. The first a labour-rate would not amend, and the other might safely be left to the operation of its own punishment. With this he could not bring himself to agree. They next remarked that it was an evil that those labourers, who, if employed by the rate-payers, would at least earn half their subsistence, were now wholly kept in idleness. How did the Commissioners answer that? Why, they admitted that in many cases where the rate-payers had agreed to divide among themselves the surplus labour of the parish, great advantages had arisen—an admission which overthrew one of their former objections. As to the Pulborough case on which the Commissioners had dwelt he would make a few remarks. They said in the labour-rate agreement lately proposed at Pulborough, in Sussex, the clergyman's tithes were rated at 1,050*l.* a-year, and he was consequently required either to take thirty-five labourers, or pay the parish a sum equal to what would have been their wages. Against any system which perpetrates such fraud and injustice the Commissioners enter their strongest protest. Protest indeed! well, they might, but his answer was that that agreement was never carried into execution. It was taken to the Petworth Petty Sessions, and there rescinded. But independently of that it was not fair to quote Pulborough, which was, he admitted, in a most distressing situation, owing to the want of harmony between the rector and the parishioners. The consequence was, that from 100 to 150 labourers were placed upon the roads, because no other employment could be found for them. The Commissioners then objected to the scheme, because, as they said, it would enable the majority of those present to bind the rest, by which small parties would be enabled, by connivance amongst themselves, to form a majority at any given meeting, and thus inflict a labour-rate against the judgment of almost the whole parish. The supposition was rather an unfortunate one, for it required a majority of three-fourths of the persons present to make the rate, and if the parishioners did not choose to attend after due notice, they must blame themselves. The Commissioners carried their supposition so far as to say, that a few members of factories might pauperise a whole manufacturing town, by removing from the scene of their operations with the spoil they had accumulated. The answer to that extravagant supposition was, that as manufacturers did not shift from one town to another, the effect would fall on those who caused it, as well as on the rest, and also that this Bill was not to take effect in a town with more than one parish. The manufacturers supposed by the Commissioners appeared to him to be of that class which travelled in covered carts from one common to another, and who did too often run off with whatever spoil they could lay their hands on. Having said this in answer to the objections made by the Commissioners, he should now proceed to speak of the practical effect of this Bill. He had received letters from different parts of the country on this subject—from parts where the experiment had been tried, and where consequently the opinions were formed from practice not from hypothesis. He would, with their Lordships' permission, read some of those communications. The noble Duke accordingly read extracts from a great number of communications, expressing opinions highly favourable to the Act. The first of these was from a Magistrate of a parish in Sussex. That letter stated, that in that parish there had been thirty-two men who had been employed upon the roads before the labour-rate was adopted; that they had been idle and discontented, but that since that rate had been adopted, only two had been so employed; that no complaints were now heard either from the overseer or the men, and that a saving of 500*l.* had been effected. The next letter was from the parish of Henfield, and stated, that the saving effected had equalled the sum of 600*l.*, and that the state of affairs since the adoption of the labour-rate had been most satisfactory. The third letter related to Wanham, and was from Sir T. Shelley, an active Magistrate, who stated that the Bill had perfectly succeeded in that parish, and that the consequence of it was, that no labourer was out of work during the whole of the winter. In West Grinstead, Sir Charles Burrell said, that the system was stated to have answered the expectations of its most ardent well-wishers. In Chichester the report made was, that the people felt convinced that this Act would do great good; and that unless something of the kind had been done, they should have been ruined by their poor. He had a similar testimony from Gloucestershire. From Badingham, a parish in Suffolk, the report sent up was that by the operation of the labour-rate, a sum of 100*l.* had been saved in a few weeks. From another place in the same county, it was stated, that after the experience they had had of it, they could not speak too highly of the labour-rate. From Potten Island, word was sent that the bill, so far as they had seen its operation, had given universal satisfaction. From Moulton the account was, that only one-half the amount of expenditure was required in February and March that had been required in December and January, and yet that the labourers were in a better condition. The same was stated to have been the effect in other parishes, although, from the unfortunate state of the weather, as it regarded agricultural employment, the labourer would, otherwise, have been quite destitute. From Buckinghamshire, the report was, that it had done great good, and that it had tended to unite those classes, who had too long been severed from each other. From Hampshire, Mr. Reader, an active Magistrate, sent word, that it had acted most beneficially—that it had kept down the poor's rates—that the men were employed—and that the poor men had been prevented from clubbing their discontents, and hatching mischiefs. From Hampden, the Report had been most favourable; and from Farnham, the statement made was, that in the winter of 1831-1832, 196 men had been upon the parish; but that in February, 1833, there were only twelve—that a saving of 84*l*. had been made in eight weeks—that there had been no fires, no depredations, no disturbances. At Marlow, eighty—nay, he might say 100 labourers had been taken from the poor's rates; and from Enfield, he had evidence of its great utility. In Surrey, he had the authority of Mr. Holme Sumner for saying, that in many parts it had produced the most advantageous results; and, in the report of the Poor Law Commissioners, who visited Warburton, great benefits were attributed to its operation. Their Lordships would see from these testimonials, that not only in every instance had the Act reduced the poor's rates, but it had done more—it had effected an object of much higher importance, in finding constant employment at a fair rate of wages, for large bodies of labourers. It precluded the necessity of sending young married men on the high roads, by which, they became bad workmen and worse subjects. It made them independent, and showed them the value and the comfort of peace, good order, and industrious habits. It took away the temptation, which was continually before their eyes, to do one of two things:—First, to make an early and improvident marriage, by which the labourer, having nothing to do, hoped to force the farmer to give him employ: or, secondly, being placed in gangs on the road, and becoming dissatisfied with his miserable pittance, recklessly committing offences against the laws of his country. This was no new, no hypothetical case, but one often occurring. In order to illustrate this part of his case, he would read an extract from an Appeal to the Justice of his Country, by an agricultural labourer, who was tried for Machine-breaking, at Salisbury, in 1831. It was this: 'But I am told, I am indebted to the 'benevolence of the law, for a provision 'against want. My Lords, it is the mode, 'in which this benevolent law is administered by the legal authorities, that has 'brought me into the unhappy position in 'which I now stand. I am unmarried; 'and for this reason alone, during nearly 'one-half of the year, I am refused all employment by the farmers of my neighbourhood. They prefer the men of large 'families, because, as they truly say, they 'must keep them; and, whatever wages 'they pay them go to save the Poor-rate; 'whereas, if they employed me, the same 'wages would be far more than I can 'claim from that rate; and, by not 'doing so, they save that difference. 'My Lords, I humbly beg to represent, 'that the difference which they save, as 'employers and rate-payers, I lose. I am 'prevented, through no fault of my own, 'but solely, through my being unburthened 'with a family, from earning fair wages in 'an industrious employment, and driven 'to apply to the overseer, to save me from 'starvation. The overseer sends me to 'work for those very farmers who refused 'to employ me voluntarily, to work on their 'farms, and for their profit, at a rate of 6*d*. 'a-day. My natural sense of justice revolts, at being required to do the same 'work for 6*d*., for which, other and weaker 'men than myself, working by my side, 'receive 2*s*., because they have a wife and 'family. The overseer takes me before a 'Magistrate, for not doing as much work 'as the man who receives four times as 'much pay as myself, and the Magistrate 'commits me to gaol.' It was to afford employment—to mitigate the evils here alluded to—that the measure of last Session was brought before Parliament. It had been found, in practice, to exceed the most sanguine expectations. He hoped he should not be misunderstood. He did not propose the measure as a cure for all evils, under which the agricultural population was suffering, nor as a remedy for those produced by the mal-administration of the Poor-laws. He brought it forward as a temporary measure, and as a palliative for present evils, till a more permanent amelioration could be decided on. And here he would express his sincere hope, that the Session would not be allowed to conclude, without some step being taken towards the improvement of those laws, which, though originally passed with the benevolent intention of protecting the poor, had become the cause of much distress and crime. He would just remind the House, that this Bill would not again have come before their Lordships, had it not been for the accidental omission of a penalty clause; and with the assurance that he should not object to the insertion of any clause, which they might think a desirable addition, he would express an earnest hope, that their Lordships would permit it to be read a second time.

The Bishop of *London* said, he felt extremely indisposed to oppose the second reading of any bill, which was brought forward under the auspices of the noble Duke. He knew well the excellent motives which influenced all his conduct in that House; and great was his reluctance, therefore, in opposing the present Motion. But that respect would not, of course, deter him from the performance of what he considered to be a duty. He felt himself bound to oppose this measure—first, as a member of the Poor-law Commission, and in the next place, as the protector of an order of men, for whose benefit this measure was kindly intended, but whose ruin, in his opinion, it would ultimately prove. Indeed, he would not have come forward, if he were not satisfied the measure would prove downright ruinous to those very parties whose privations it was hoped to diminish. With respect to the document, from which quotations had been read, he did not think the noble Duke had treated the Poor-law Commissioners very fairly. The noble Duke read certain portions of the Commissioners' answer to the Chancellor of the Exchequer, in favour of a certain kind of rate; but he passed over those which told against the present one. The Commissioners said, there were many places where a labour-rate would prove highly beneficial, when it was founded on just and tolerable principles. He denied, however, that the Commissioners had, in any part of their report, been inconsistent, as might be inferred from the argument of the noble Duke. What did this Bill do? It gave a power to a certain class of men, to inflict positive injury on the proprietors of land. Look to the case at Pulborough, to which the noble Duke had referred. The living was worth 1,050*l.*; and, for the non-employment of labourers, fines to the amount of 900*l.* were sought to be inflicted. This, he contended, showed the injustice of the Bill. The case was brought before the Magistrates; they did not refuse to inquire into it; but they dismissed it on some technical defect, and decided that the rate should not be paid. Now, with all respect for the country Magistracy, he did not think they were always competent to decide on nice and disputed points of law; and he would say, that power ought not to have been given to any two Magistrates, even to permit, as they might have done in this instance, that such an act of injustice as he had described might be perpetrated. It was true that that particular case had been dismissed; but, unjust as it was, it might have been otherwise. As to the extracts which the noble Duke had read in favour of the measure, he should only say, that the Commissioners had stated, as strongly as the noble Duke had done, that in many instances, the system had been found to have done good, and that, under it, considerable employment for the labouring poor had been obtained; but if they viewed its operation generally, a different result would be obtained. A Bill, the principle of which was much the same as that of the present, was introduced into that House by a noble Earl in 1831. On that occasion, he had stated his objections to it, on the score of general policy as well as of principle; feeling that it would deeply injure a particular class of individuals, whose interest it was his duty to protect. A noble Lord observed, in the course of that discussion, that "he believed the Bill to be radically wrong in principle. It put the provident and the improvident man on a level. It absolutely encouraged an opinion, which unfortunately prevailed amongst some classes, that, whether a man was prudent or imprudent, he deserved the same provision." That, in his opinion, really was the fact. Another noble Lord, the President of the Council, objected to the measure on that occasion, observing, that "he considered it highly objectionable, because it interfered with the farmer in the management of his property, and made it his interest to employ the cheapest and the worst workmen." In answer to these observations, the noble Lord who introduced that Bill stated, that it was not to be a fixed measure, but to be restricted to two years; but to that remark the noble Marquess objected, as he now objected, that if the Bill were once permitted to be passed, there would be great difficulty in getting rid of it. Now, let the House look to the future effects of the measure at present before them. Take a parish with 100 labourers, and having employment for only eighty of them. The labour-rate was called for, and the twenty surplus labourers were set to work. But would they be taken at the same rate as was paid to those whose services were found absolutely necessary? Was that possible? But if they were so paid, must it not be out of the pockets of those employers, who did not want their services? This he took to be an act of injustice. The noble Duke contended, that the present Bill would hinder early and improvident marriages; but from that opinion he entirely dissented. Let such a rate once be allowed, and they would be compelled to go on, continually increasing it, till the whole property of the country was absorbed, and that, not from the effect of a badly-administered law, but by the direct recognition of Parliament. The measure, the noble Duke said, was intended merely as a palliative. Now, in his opinion, it was not wise to palliate the symptoms of disease. They might, perhaps, ease a patient for a time, by taking blood highly excited from him; but was it sensible to transfuse that blood into the veins of another? Their Lordships ought not to attempt to relieve one class of the community at the expense of another, when they were prepared, as he had no doubt their Lordships were prepared, to remove the evils of every class. With regard to the answer of the Poor-law Commissioners to the Chancellor of the Exchequer, it was only fair to state, that it was not unanimously agreed to. One of the Commissioners, a gentleman of great experience, Mr. Sturges Bourne, could not agree with his brother Commissioners. He thought, that the principle of a labour-rate was incurably vicious, but that the evils of it might be mitigated much more than they were by the present Bill. The right reverend Prelate further said, another evil that he saw in this measure was, that all property was rated alike, whether arable or pasture. It was most unfair also to rate tithes on the same scale with other things; indeed, they ought not, in any case, to be rated with agricultural property. Mr. Lowman, in his admirable work lately published, had clearly shown the injustice of this mode of rating. In fact, as far as the clergy were concerned, he could prove, by letters, that if the measure were carried, it would have the effect of depriving them of the means of existence. He likewise insisted, that the experiment of labour-rates had not yet been fairly tried. Where the results were likely to be of such great consequence, their Lordships ought not to think an experiment fairly tried which had only been in operation for nine months. Before the next Session, the House would have greater experience, and would therefore be able to legislate better on this subject. He likewise called the attention of their Lordships to the fact, that the noble Duke had not adverted to the mode in which this Bill would affect the free circulation of labour. That free circulation was already greatly impeded by the Poor-laws; but this Bill would dam it up, and stop it entirely. In many parishes (he himself had known instances of the case), farmers would be compelled immediately to dismiss their best labourers, because they did not belong to the parish. The right reverend Prelate proceeded to read the Report of one of the Assistant Commissioners, to show the evils which resulted from the false principle of the Poor-laws, that every man who wanted relief was entitled to it, simply because he wanted it, and without reference to other considerations. He opposed the Bill also on the ground that (as indeed he had incidentally shown in what he had taken the liberty of stating to their Lordships) it would be injurious to the labourers themselves—to their character, their comfort, and their happiness. On that ground, and because the Bill in other respects would be a bad one at any period, and was especially bad at such a period as the present, he must oppose it. The noble Duke had spoken of amendments in the Committee; but what the nature of those amendments was, the noble Duke had not explained. He (the Bishop of London) feared, that the Bill was not susceptible of any amendment by which it would be rendered not decidedly objectionable. It would be necessary first to alter the principle of the Bill, before its details could be improved. In his opinion, the best course their Lordships could pursue, would be to throw the Bill out, with a view, if any measure on the subject were immediately necessary (which, however, was not his opinion), to the introduction of a new bill. He apologized to their Lordships for having trespassed so long on their attention; but, independently of his duty as one of his Majesty's Commissioners appointed to inquire into the state of the Poor-laws, he had a duty to perform as a Minister of the Gospel. There was no subject which added so cruelly to the labour of a clergyman, which so frequently crossed his path, which so completely nullified his efforts, and which placed him in the painful situation of appearing to uphold one class of the community at the expense of another, as the state of the Poor-laws. Under the present pernicious system, aggravated as it was by frequent attempts at legislative correction, it was utterly impossible for the ministers of the Established Church to do their duty beneficially to the country. Under all these circumstances, he would move, as an Amendment, that the Bill be read a second time that day three months.

The Marquess of *Lansdown* complimented the right reverend Prelate on the clear and explicit manner in which he had stated his opinion on this most important subject. He (the Marquess of Lansdown) felt himself in a painful situation on the question; for, having had much experience respecting it, he was compelled to say, that he assented to every one of the principles which had been laid down by the right reverend Prelate; and that he continued to entertain every opinion which he had formerly expressed, when a Bill proposed by a noble Earl opposite was under consideration, for which Bill his noble friend's Bill was tendered as a substitute, and passed. Nevertheless, he was desirous that the present Bill should go into a Committee, as a temporary measure only; with this knowledge and avowal, that, great as was the necessity for a remedy in the administration of the Poor-laws, the present was not the moment in which to propose a remedy, or to endeavour to sweep away all the existing abuses. All, indeed, that he had to complain of in the observations of the right reverend Prelate, and in the Report of the Commissioners, was, that they dwelt on what they termed the permanent disadvantages of his noble friend's Bill, as if it were proposed to engraft that Bill on the system permanently, while all that his noble friend proposed was, to divert for the present into a more useful channel, the money which, under any circumstances, must continue to be raised for the maintenance of the poor. He felt strongly, that if it were possible to get rid of the vicious principle of the Bill (as well described by the right reverend Prelate), which tended to create a demand for labour where it did not exist—if it were possible to get rid of the principle of mixing wages with relief, he would at once urge his noble friend to withdraw his Bill. But, looking at the various modes which had been resorted to in different parishes, he could not admit that they were better than that comprehended in his noble friend's measure. So little were the expedients to which he adverted calculated to raise the character of the labourers, that they were calculated to keep the labourers in a state of degradation which would disqualify them for receiving any amelioration of their condition which the Legislature might hereafter possess the means of affording. Every mode ought to be adopted which it was possible to adopt, to maintain the character of the labourer, and to keep him in a state of comparative independence; and that was the object of the present Bill; and in so far it was much preferable to the system, which in many parts of the country, and especially in the West of England, exposed the labourer to a degradation which would unfit him for any future improvement. It was undoubtedly true, that the Bill might be liable to abuse, but it might undergo correction in the Committee. What it principally did was, to enlarge the power of the parishes to employ the funds which must be raised. It did not give power to raise any new sum; but it merely divested the existing system of some of its vices, until their Lordships felt themselves in a situation to adopt some more extensive measure. Adverting to the Report of the Commissioners, the noble Marquess maintained, that the evils to which that Report referred, were the evils of the existing system, and not of his noble friend's Bill. The provisions of that Bill would rarely be applied in towns by the manufacturer or the tradesman; its great object was, to keep the agricultural labourer in a state of comparative independence. It was, however, only as a temporary measure that he voted for it; although he was afraid a permanent measure could not be proposed in the present Session, as it was not probable the Report of the Commissioners could be made, until nearly the end of the Session, if then.

The Earl of *Winchilsea* trusted, that their Lordships would agree to his noble Friend's Bill, unless they were prepared to pass some other measure for the purpose of preventing those demoralizing effects which that Bill was calculated to diminish. It had been already stated by his noble friend and himself, that the Bill was only temporary. As to the administration of the Bill, he (Lord Winchilsea) had had experience of it in several parishes; and it appeared to be very fairly administered. The right reverend Prelate complained, that land of different descriptions—arable, pasture, and woodland—were equally rated. In the parishes with which he (Lord Winchilsea) was acquainted, that was not the case. Indeed, no one acquainted with agricultural matters would, he should think, put different descriptions of land on the same footing in that respect. He trusted their Lordships would allow the Bill to go into a Committee. He should have no objection to the proposition, that the tithe-owner should have his choice if he would be brought under the operation of the Bill or not; and that an average should be taken of the rates for four years. The Bill had tended much to improve the morals of the labouring classes, who had been greatly demoralized by the system which had compelled them to receive a pittance from the parish. He admitted, that in principle, the measure was not altogether unexceptionable. But such had been the mal-administration of the Poor-laws, that it was exceedingly desirable to embrace a mode of getting rid of even a portion of the evil which had resulted from it.

The Marquess of *Salisbury* regretted, that the noble Duke had thought fit to extend his measure beyond a mere explanatory enactment. He particularly objected to that part of the Bill which empowered three-fourths of a parish to enforce a labour rate.

The Duke of *Richmond* said, that the Bill did not give that power to three-fourths of the parish, but to three-fourths of those present in the vestry.

The Bishop of *Bath and Wells* assented to the principle of the Bill, because he thought, that the power with which it invested Magistrates of giving employment to the labouring poor would have the effect of preventing much misery. He should give his vote for the second reading.

The Marquess of *Bute* objected to the principle on which the Bill proceeded; but, after the assurance given by the noble Duke, that the measure was only intended to be a temporary one, and entertaining a hope that some of its objectionable provisions might be modified in Committee, he should not divide the House against the second reading.

Lord *Wynford* concurred in every word that had been uttered by the right reverend Prelate (the Bishop of London) on this subject. He conceived, that the Bill revived all the vicious principles of the Poor-law, and remedied none of its defects. He trusted, from what the noble Marquess (the Marquess of Lansdown) had said, that tithes would not be affected by the Bill. If that species of property were subjected to a labour-rate under this Bill, it would, in effect, be extinguished, and that, too, without commutation.

The Duke of *Richmond* begged to inform the noble and learned Lord, that he could not be a party to any agreement to the effect that tithes should not be rated. If tithes were taken in kind, it was but just that they should pay the labour-rate; and they ought only to be exempted in cases where a composition was made, with an agreement that the parishioners should pay the labour-rate. He did not understand the reason of the extreme jealousy which was manifested on the subject of tithes. The Bill did not attack tithes. It had already been tried in 424 parishes, and no instance of a clergyman complaining of its operation had been mentioned. The Bill had been received with satisfaction by the labourers of the country, for it had shown them that the interest of the landlord, the tenant, and the labourer, was one and the same. It was this feeling which offered the surest safeguard against the recurrence of those outrages and that system of terror which, in the Autumn of 1830, disgraced the fairest portion of England.

The Bishop of *London*, in withdrawing his Amendment, observed, that perhaps the reason why their Lordships had heard no complaints from clergymen against this Bill was, because they possessed the power, in consequence of the inefficiency of the measure, of frustrating its operation.

The Bill was read a second time.

HOUSE OF COMMONS,

Thursday, June 13, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. HUME, an Account of the Number of Warrants granted for Debt by the Sheriffs of London and Middlesex, and of Surrey, in 1831 and 1832; also the Number of Prisoners Committed for Debt in the different Prisons in the Metropolis, stating the Amount of the Debt during the same years: also the Amount paid out of the County, or other Rates, for the Maintenance and Support of such Prisoners as have been Committed to the Whitecross Street and Horsemonger Lane, Prisons, in Process out of the Courts of Request, during the same period; stating the Time each has been Confined.—On the Motion of Sir WILLIAM CHAYTOR, an Account of the Number of Country Banks issuing Notes, which have become Bankrupt, from January 1826 to the present time, stating the Place in which such Banks were kept, &c.—On the Motion of Mr. GILLON, a Return of the Number of Processes for Augmentation of Stipend, before the Teind Court of Scotland, in each year since 1790; stating the Names of Parishes, and the Amount of Stipend.

Bill. Read a second time:—Corporation Officers.

Petitions presented. By Lord MORPETH, from the West Riding of Yorkshire, for the Repeal of the Woollen Trade Act.—By Sir ANDREW AGNEW, from Kingston-upon-Hull, in favour of the Corporation Officers Bill—By Mr. HALL, from Merthyr Tydvil, and other Places, against the Rating of Tenements Bill.—By Mr. COLQUHOUN, from Renton, against Slavery.—By Mr. SINCLAIR, from several Places in Scotland, for an Alteration of the Law respecting Church Patronage in that Country.—By Mr. DAWSON, from Roscrea, for Mitigating the Criminal Code.—By Admiral ADAMS, from Alloa and Kincardine, for Inquiry into the Distressed State of the Shipping Interest.—By Mr. CLAY, from the Parish of All Saints, Poplar, against taking from the East-India Company the Privilege of Trading to India and China.

INQUEST ON CULLEY.] Mr. *Roebuck* said, he had to present a petition to the House of much public importance. It was from the Jurors who sat on the Coroner's Inquest on the body of Robert Culley, the policeman, who was killed in Calthorpe-street. He said, the object of the observations he had to make, was directly to charge his Majesty's Government with a dereliction of duty. This he should do by first, charging them with having created a riot, instead of preventing one; secondly, by charging them with bringing into disrepute a useful body of men; and thirdly, by pursuing an illegal line of conduct in what they might term the administration of justice. These, he would admit, were grave charges, but he had ample evidence to support them. Some persons of the National Union of the Working Classes had issued a placard calling upon their countrymen, as the House of Parliament would do nothing for the people, to form a National Convention. Any person who knew anything of the working classes, must be aware that the persons calling this meeting had but little weight with the working classes, and were a very small knot of persons, whose opinions were rather peculiar than general. Scarcely any one would have attributed power to these few, until the right hon. Secretary issued his anonymous proclamation. This, it was probable, would be referred to by the right hon. Secretary as an official document, but it was not an official proclamation in the proper sence of the word, because it bore no stamp of authenticity—it was printed by nobody knew whom—stuck out by nobody knew whom—and signed by nobody. But this placard, emanating from a higher source than the other, was stuck up in greater numbers, and read, of course, by more persons. To put down the meeting, the right hon. Secretary had recourse to 1,700 policemen, and the consequences that resulted he (Mr. Roebuck) should state, not only from evidence which was adduced at the trial, but also from information which he had received from several most reputable men, who were present on the occasion, and whose names he was at liberty to mention. The hon. Member then went into a detail of the transactions at Calthorpe-street, which did not in any material point differ from that already and repeatedly published. He had, he said, already declared, that the conduct of the Government was unjust, impolitic, and illegal. It was also in direct opposition to the course that they had adopted on previous occasions, when those at the head of his Majesty's Government had not only sanctioned but encouraged the people to meet in large numbers for the purpose of effecting an alteration in the Constitution. To what did the great meeting at Birmingham lead but to a revolution? For he would contend that the passing of the Reform Bill was, strictly speaking, a revolution.

Yet, how differently had the Government acted when they excited the people to aid them in keeping their places and carrying the Reform Bill. Of all Governments, the present ought to have been the last to have attacked the people. It might be said, that the Government had no desire that the people should have been attacked; if so, he would ask why they had not taken proper precautions against it? No danger, it had been proved, was likely to result to property or person from the meeting, but still Government had thought proper to sanction a violent attack on the people, evidently for political purposes. He admitted, that Government should be intrusted with great powers, but those powers ought to be exercised with prudence. He deprecated, in this instance, the conduct of Ministers, who, the country had been led to believe, had the interests of the people at heart, but who, by their conduct, had proved the very reverse. He admitted, that an assemblage of persons, met for the purpose of resisting the payment of taxes, was illegal; but the meeting at Coldbath-fields had no such object in view. From the placard which had been issued, it was too much to say that the meeting had really taken place to form a National Convention; it might have been that they had met for the purpose of petitioning Parliament to form a National Convention, and, in that case, the meeting was a strictly legal one. In his opinion, the proceedings on the part of Ministers were most impolitic and illegal. He would next speak to the proceedings in the Court of King's Bench to quash the verdict of the Jury. That verdict was the verdict of the country; the Jury, on their oaths, had come to the opinion they had; and what did the Solicitor General ask? Why, to quash the opinion of the country; and that any other Jury who might be called upon to investigate the matter, should not be influenced by that verdict. That was, in fact, putting an end to Coroners' Juries altogether, and placing the Solicitor General as Judge in any case, of what proceedings should take place, and what not, allowing such proceedings as he liked to take place, and putting an end to such as he disliked. When it was thought proper that the verdict of the Coroner's Jury should be quashed, why had not the Government taken measures to call another? If a Jury even were called to sit in trial of the individuals supposed to have been concerned in the affray by which Culley, the policeman, was killed, they would be placed in a situation in which they could not give a verdict according to law. He sincerely hoped that an explanation of all the circumstances would be given by the right hon. Gentleman, which would induce him (Mr. Roebuck) to proceed no further with the case; if not, however, he should feel himself bound to move for a copy of the Inquisition laid before the Court of King's Bench, for the purpose of enabling him to determine what ulterior proceedings he should adopt.

The Petition was read as follows:—

To the hon. the House of Commons in Parliament assembled; the Petition of the undersigned Jurymen upon the Inquest held on the body of Robert Culley,

Showeth,—That your petitioners, the undersigned, were summoned to serve and did serve as Jurymen on a Coroner's Inquest upon the body of Robert Culley, a policeman, slain in an affray that took place on the 13th of May, at Coldbath-fields. That your petitioners did then, acting in discharge of their duty, under the solemn obligation of an oath, return a verdict of Justifiable Homicide on the part of some person unknown.

That to return some verdict was the solemn duty which the wisdom of the law had imposed on your petitioners. That your petitioners paid all due attention to the evidence adduced, and upon the evidence they felt themselves bound, as honest and conscientious men, to return the verdict above-mentioned; they exercised a privilege given by the law in the only way their consciences permitted.

That your petitioners have heard with great pain and alarm that this, their conscientious verdict, has upon an *ex-parte* statement of his Majesty's Solicitor General, been quashed by the Court of King's Bench, and that a slur has thereby been cast upon them in their character of jurymen acting under the solemn obligation of an oath.

That your petitioners also fear, that this proceeding may have a tendency to bring into discredit the Trial by Jury, and to make men believe that a trial by the country is a mere idle form, handed down to us by an ignorant ancestry, and retained only from a foolish adherence to old prejudices.

Your petitioners, therefore, pray your hon. House to take these matters into consideration, and to pursue such measures as in your wisdom may seem requisite, to free your petitioners from blame, and to secure to future jurymen the privileges conferred on them by law.

And your petitioners will, as in duty bound, ever pray, &c.

Mr. Lamb rose, but before he had addressed the House, Mr. *Cobbett* moved, that the House be counted. He was determined that such an important question should not be brought before the House with empty benches.

Mr. *Roebuck* entreated the hon. Member not to persevere in his Motion. If he had contemplated such a proceeding, he most certainly would not have made such a charge at so great a length. An opportunity for the right hon. Gentleman to explain, ought to be immediately afforded.

The *Speaker* said, the hon. member for Oldham ought to have moved, that the House be counted while the hon. member for Bath was addressing the House, as it was in consequence of the importance of the subject that he wished it to be brought before a fuller House. As the benches were in the same state now, that they were in when the hon. member for Bath addressed the House, an opportunity should in fairness be given for the Government to explain.

Mr. *Cobbett* did not know, that it was allowable to move the counting of the House while an hon. Member was addressing it.

The *Speaker* said, the hon. Member was quite unacquainted with the forms of the House; it not only was quite allowable, but was frequently done.

Mr. *Cobbett* begged leave to withdraw his Motion.

Mr. *Lamb* proceeded. The hon. member for Bath had so guarded himself against any unfair and unnecessary imputation upon the police force, that he (Mr. Lamb) should not think it necessary to detain the House with any lengthened vindication of that useful and effective body. He would shortly refer to the facts of the case; there was, however, so much of law mixed up with it, that in some points he must leave it to his learned friend the Solicitor General. The charge against the Government was certainly not a light one—it was twofold, and involved first, a dereliction of duty, the allegations in support of that being, that they had decidedly created a riot. It was very easy to charge Government with a dereliction of duty, in the means they had used to prevent or quell tumultuary meetings, which were, unfortunately, thought too strong or too weak for the occasion; but it was not so easy, in anticipation of such assemblies, to adopt measures which might not be liable, in some quarters, to such a charge. It was said, that the meeting in question was quite contemptible. He called on the House to look at the placard that had been issued; and although the hon. and learned member for Dublin had called it elsewhere, a matter altogether of "tom-foolery," he was quite convinced the real intention of the meeting was to adopt some means of upsetting the Legislature of the country. This was what they meant he had no doubt by their National Convention. Stripping it of all special pleading, attempted to be introduced into the subject, in common parlance, it amounted to this — their object was, and he believed if any of them had been asked, they would have declared their real intention to be, the organization of a body which was to take on itself the duties of the Legislature. If the meeting had been really contemptible, their object was seditious, and it was the duty of Government, while such objects were contemptible, to crush them. It might, by quibbling argument, be shown that the meeting was contemptible; but he fully believed, that there was not one concerned in putting forward that placard but would openly avow, that the intention was to call a meeting of delegates from every part of the country, who were to take upon themselves the duties of the Legislature. There was another circumstance to be taken into consideration—which was, that the placard was accompanied by another bill, signed by a person who called himself Lloyd, editor of *The Republican*, which, among other things, called upon the people to send their own Representatives—to represent themselves, which was the easiest and shortest way of settling the business. It also called upon them to meet in that place, which was then filled with the nominees of boroughmongers, or of those national nuisances, the Lords. That was a species of tom-foolery which it would not do for the Government, or any Government to laugh at. The hon. Member said, that the intention of the Meeting was to petition Parliament to call a National Convention. A very likely thing, that they were to petition that House to call a body who were to set aside the House itself; it was too ridiculous to be thought of for a moment. Then the next charge was, that the placard denouncing the meeting was not a Proclamation—it was not signed. Notices that meetings were illegal had been frequently issued before, and had generally been found effective—it was a mere notice to the people that the meeting was decidedly illegal, and the same kind of notice had been issued when the meeting was called at White Conduit-house, and there it was not signed, and still it was sufficient. Then, again, upon the Fast-day, when the Unions intended to march through the City, a similar notice was issued, upon which the police acted, and nothing was then said about the illegality of it. It would be degrading to the Kingly authority if his Majesty were called upon to exercise one of his highest prerogatives—the issuing of a Proclamation—upon every occasion of that sort. Now, there was one thing in the face of that notice which carried authority with it; it was printed by the King's printer; and the hon. Gentleman, as a lawyer, was aware that it was a misdemeanor in any one imitating the superscription of that person. The next charge was, that the Government notices were more widely circulated than the placards announcing the meeting. He could say nothing as to the truth of that; but certainly it was the duty of the Government, if they thought such a notice necessary at all, to see that it received very wide circulation, in order that it might be effective. The hon. Member asked why the police did not take possession of the ground? That appeared to him to be the very method by which a croud would have been assembled, and a riot endangered; besides, what right had they to say to any person—"You shall not pass through this thoroughfare, or, you shall not stand here," before any meeting was constituted—before any illegal act had been committed? That, in his opinion, would have been the worst plan possible; the result of it would have been, first to create a crowd, where none might otherwise have been, and in the next place it would have driven the mob away to some other place, where they would have held their meeting. Besides, it was the duty of the police to take care that no part of the mob should separate from the rest, and go somewhere and commit mischief, as was done by a part of even a loyal mob, that went down to congratulate the King; a part of it detached itself, and committed an infamous attack upon the house of the Duke of Wellington. Then, said the hon. Member, where was the use of 1,700 policemen to put down 500 poor persons who were unarmed? Now, there were 1,700 policemen sent out, but they were scattered all over the town; a part was even so far distant as Greenwich, which was rendered necessary as the Union had declared their intention of marching in bodies from different quarters. Besides, the number that attended was no criterion of the numbers that might have been there, and it was the duty of Government to be well prepared against all contingences. He had no hesitation in declaring that the instructions of the police were to do nothing till the meeting was constituted, and then to press on and secure the leaders, or ringleaders. Government owed more to the State than merely to prevent a meeting of such a nature—they owed it to the country to secure those who were the instigators of such measures. The hon. Member had put off his discussion on account of his (Mr. Lamb's) illness; in that the hon. Member had conferred a benefit even on himself, for if newspapers were to be relied upon, the hon. Member had used language in another place which he did not now repeat; the hon. Member had charged the Government with the crime of giving the police spirits to drink, in order to stimulate them beyond their duty, [Mr. *Roebuck* had not used such words; he said that they had been supplied with beer]. Even that was a grave charge—a most grave, and, in his conscience he believed, a most unfounded charge. Of course he could not say, that none of the police had taken any refreshment, after being there some hours; but one thing he could say, that the whole of the division which were first in contact with the mob, had not more than one can of beer amongst them [Mr. *Roebuck:* It was sworn at the Inquest.] He was not aware that the fact stated by the hon. Member was sworn to. One man had certainly said, that the police generally were drunk, but that was too preposterous an assertion for belief. The instructions were given to the police on the spot, and did not emanate from the Home-office. The instructions given on the spot, by Colonel Rowan, to the police were:—"Be firm, be moderate, and strike nobody unless you are resisted." It had been represented that the police had rushed in pell-mell. Now, on this part of the case, the most satisfactory evidence could be produced. In all his inquiries, and from the previous character which the police had borne, he believed that not one policeman offered the slightest injury until (as it was proved before the Coroner, by Colonel de Roos and others) a number of stones and other missiles had been thrown by the mob. They advanced up one street in order to clear it, and there was plenty of room to retreat towards Bagnigge Wells; and when in Calthorpe-street, the Superintendent, finding his men took up the whole breadth of the street, contracted his division so as to leave room for the mob to go away on either side, and many persons did so go away. He did not believe, that the intentions of the mob were quite so orderly as had been represented by the hon. Member. That hon. Gentleman relied greatly on the exclamations of a person who called upon the meeting to take care of his wife and children; and he said that was not the speech of a man wishing to subvert the Constitution; perhaps not; but it was the speech of a man who might have gone quietly away if he pleased, and he did not choose to go away. He was glad to hear, that the hon. Gentleman had not gone so far as some others had, in depicting the horrors and slaughter on that occasion. The only slaughter he (Mr. Lamb) knew of, was that inflicted on the police. It was certainly unwise to argue, that a man having arms to defend himself, ought to refuse to use them when he was assailed with stones. The man who did so must be more than mortal, and have possessed more than even military forbearance. As to wounding women and children there was no proof, either in what appeared before the Coroner, or at the Home-office that any such circumstance had occurred; it was stated in general terms before the Coroner that such was the fact, and indeed if females had been in the pell-mell of the affray, it would be impossible to say, that some were not hurt, but he wholly disbelieved the charge that any woman or child was wilfully injured. With regard to the Coroner's inquest, and the setting aside of the inquisition, it was far from his intention to cast imputations upon the Jury. He hoped and trusted that the Jury meant to do, and did do their duty satisfactorily to their own consciences; but considering the farrago of evidence that was brought before them, it was a very proper thing that the verdict was quashed. He did not feel, that the least blame was attributed to the Government, and he was sure it would ultimately appear, that there was not the slightest blame to be attached to the police for the manner in which they had discharged their duty. He could say now, on mature reflection, that he could never have reconciled to himself, as one who was responsible for the peace of the community, and for maintaining the supremacy of the law, to have allowed that meeting to take place; it might have passed off quietly, if let alone; but although the plans of the leaders might not have been organised, their object was illegal; and, as long as he held office under the Crown, he could not reconcile it to the duty of any Minister to permit a meeting, the object of which was decidedly illegal, to pursue that object quietly, and without taking means to bring the ringleaders to justice, and in order to prevent effects which no man could say would not be injurious.

The *Solicitor General* said, as he had been attacked for the share he had taken in this subject, and for having improperly discharged the duties of his office, he was anxious to vindicate himself. The petition of the Jurymen was entitled to the greatest respect, but he regretted, that such a discussion should be brought on so very inopportunely. There were various trials to take place arising out of this transaction; in the course of a fortnight one man was to be tried for his life on a bill of indictment which had been found by the Middlesex Grand Jury, and there were other trials for misdemeanors, in which both the law and the facts must be investigated. He had a very high estimation of the superintending power of that House where there was a failure of justice —when Judges misconducted themselves, or where Government had been guilty of any misconduct, and then let Government be impeached before the House; but it was inexpedient to appeal to that House on facts which ought to be tried by the ordinary Courts. The petitioners complained on two grounds—first that a slur had been cast upon them; and secondly, that the Trial by Jury had been brought into discredit by the inquisition being quashed. Now, in fact, no slur whatever was cast upon the Jury. When he applied to the Court of King's Bench to quash the inquisition, he distinctly expressed his sincere respect for the Jury, and for the intentions by which they had been actuated. This case was spoken of as if it were unusual for the Court of King's Bench to set aside the verdict of a Jury. He would say, that such occurrences took place at least fifty times a-year, and not only were the verdicts of Juries set aside, but also the judgments of the Courts, and even the unanimous judgment of the Judges, upon appeal to the House of Lords. It was no slur, upon the Jury which sat on this inquest that the verdict had been set aside. This could not bring the Trial by Jury into disrepute; but the improper findings of Juries, unchecked by a higher Court, would have a direct tendency to bring the Trial by Jury into disrepute. The verdict was contrary to law, and it was the bounden duty of his Majesty's legal advisers to move that it should be quashed. The hon. and learned member for Bath, however, set up his knowledge in those matters in opposition to that of the learned Judges, and, he believed, of every lawyer in that House. He had been surprised to see the hon. and learned member for Dublin stand by, when the judgment of the King's Bench was impugned. He would tell the hon. and learned member for Bath, that the verdict was set aside, because the finding of the Jury was in opposition to the evidence. According to the facts which the Jury found, there was no pretence for saying that the act of the man who slew Robert Culley was only "justifiable homicide." Justifiable homicide, was a man putting another to death, by the warrant of law, or to save his own life, in the last extremity, if he did not use all means possible to avoid the extremity of giving the mortal blow, it might be manslaughter—it might be excusable homicide—but it was not "justifiable homicide." Unless the facts showed, that the person who slew the deceased must himself have died if he had not given the blow, then it was not justifiable homicide, though it might be manslaughter, or excusable homicide. In this case, the Jury did not—nor could they—find, (for there was not a tittle of evidence to shew) that it was necessary for the man who slew Robert Culley to strike the blow; if there was provocation, yet there was no sufficient provocation to strike Culley to the heart. But the Jury found these facts—'That Robert Culley was a police-'man in the peace of God, and of our 'Lord the King, and in the discharge of 'his duty, at a certain meeting which was 'held for the purpose of establishing a 'National Convention; and that a certain 'person, to the jurors unknown, did then 'and there make an assault upon the said 'Robert Culley, and that the said person 'unknown, with a certain sharp instru-'ment, the said Robert Culley, in and 'upon the left side of his body, did then 'and there strike, stab, and penetrate; 'and that the said person unknown, by 'such stabbing, striking, and penetrating, 'did give one mortal wound of the depth 'of one inch, and of the breadth of three 'inches, upon the body of said Robert 'Culley of which mortal wound the said 'Robert Culley did then and there die.' These were the facts found by the Jury; and then they said: "We find a verdict of justifiable homicide." Next followed their reasons for so finding. Now, those reasons ought to have been, that Robert Culley made an assault upon this person unknown, and that he threatened the life of this person unknown; and that this person unknown had no means whatever to preserve his own life without a mortal assault upon the said Robert Culley. But no mention was made of these things. Robert Culley made no assault, but, on the contrary, it was found that he was in the peace of God, and of our Lord the King. He must here observe, that the most mischievous consequences might arise from such observations as were made by the hon. and learned member for Bath, and the hon. and learned member for Dublin, during the time the Jury was sitting. The hon. member for Dublin had laid it down as a law, that no public meeting could be dispersed without the previous reading of the Riot Act. This he (the Solicitor General) had protested against at the time, and he now argued, that it was not necessary that the Riot Act should be read previous to the dispersing of an illegal meeting, as a Magistrate or constable was quite competent to disperse such a meeting. The Riot Act having been read, any person remaining on the ground for one hour afterwards, commits an act of felony; and that was the intended operation of the Riot Act. Assuming all that had been stated of the conduct of the police to be correct, he would ask if the hon. and learned member for Bath meant to say, that the violence of any of the police in one part of the ground, or in many parts, could justify the slaying of another policeman in a different part of the ground? To this it was, that the assumptions of the hon. member for Bath would lead. With respect to the application to the Court of King's Bench to quash the verdict of the Jury, it had been made by him, in concurrence with his Colleague, the Attorney-General; that Court, by qualifying the verdict of the Jury, had decided upon its impropriety, and upon the illegality of this meeting; and he thought that the House would take the opinion of the Court in preference to that of the hon. member for Bath. The House would be surprised when he told them that some portion of the public Press had advised persons attending these meetings to arm themselves with knives to meet the police, and that advice had been sanctioned by the verdict of an English Coroner's Jury, who said it was justifiable homicide to put a policeman to death while on duty. Such was the opinion of an English Coroner's Jury. For these reasons he had thought it his duty to bring the verdict of the Jury before the Court of King's Bench; that Court had no choice but to decide upon the facts that were brought before them, and upon those facts they had come to the determination of quashing the verdict. Though he had been condemned for the course he had adopted by the hon. member for Bath, he rejoiced to know, that he had the favourable opinion of many estimable members of society. The next charge that had been made against him was, that there had not been a fresh inquiry. Now, it had in previous cases been decided that there could be no fresh inquiry without the special order of the Court of King's Bench, and unless the deceased was exhumed, and submitted for the inspection of a fresh Jury. It would be fatal to the verdict of any Jury on an inquest, if it should appear, that they had proceeded without a view of the body. He had not advised the adoption of that course, because he saw no necessity for it, being clearly of opinion, that such an inquiry was not at all likely to promote the ends of justice. If any of his Majesty's subjects were dissatisfied with that course, it was competent for them to make a motion on the subject before the King's Bench, which would exercise its own opinion whether it would refuse or grant the Motion. Before he sat down, he must protest against the doctrine of the hon. member for Bath, that the meeting was legal. Its legality did not depend on its numbers; there might be a legal meeting of hundreds of thousands, and an illegal one consisting only of three persons. Where there was a meeting to supersede the Constitution, and to put down King, Lords, and Commons, such a meeting was illegal, and it was wholly immaterial, what the numbers attending it were. Could any reasonable man look at the placard calling the meeting, and say, that a meeting assembled in consequence was legal? It was impossible. That meeting was called for the purpose of calling on Parliament to dissolve itself, and place in its room Mr. Lee and Mr. Mee. That placard called the meeting to form a national convention, which it described as the only means of securing the rights of the people, and by that means to bring about a violent revolution in the country. Such a meeting was dangerous to the public peace, and it had therefore been properly suppressed. If, as had been asserted, there was any brutality or intemperance in the conduct of the police, he should be one of the last to sanction it. He trusted, that it would be investigated, and the parties so acting punished. He would never stand up as the advocate of an excess of authority. If such was the fact, was it not strange that no proceeding had yet been taken against any one? The police had been stabbed; but he had not as yet heard a single instance of any persons attending the meeting, with the exception of the police, having been hurt or wounded. If there were any, he trusted they would call on the law to take their case into consideration. He could assure the House, that in applying to the King's Bench to quash the verdict of the Jury, he considered he was conferring a benefit on his country.

Mr. *O'Connell* considered it impossible to exaggerate the effect which ought to be given to the verdict of an honest Jury. It was the Englishman's only protection. It was impossible at the same time to exaggerate the evils which would arise from the impunity of the police force, when it was found that their conduct had been unconstitutional and ferocious. The police in Ireland were armed with deadly weapons, and the cases in which they inflicted murder were monstrous and of continual recurrence. Yet, notwithstanding this, on every occasion they had the usual official eulogium passed on their conduct by those connected with the

Government. It was, therefore, most important that the police should be very strictly and jealously watched, and it was equally important that the verdict of an honest Jury should be respected. A verdict of a Jury might, indeed, be informal, and on that account might be quashed, which was the case in the present instance. It was only on a ground of technicality with which the Jury in the present instance had nothing to do, that the Court of King's Bench had set aside their finding. There was a formal heading to the inquisition, which was either the work of the Coroner or of some other person, but which was altogether independent of the verdict of the Jury. In this instance, he was informed, it had been drawn up by a person named Stafford, in Bow-street. In that inquisition, it was stated that the man Culley was, "in the peace of God and of our Lord the King, and that he was there killed in the exercise of his duty." Now, this was a matter which it was impossible for the Jury to find, and at the same time to find he was slain justifiably. But this certainly had never, in fact, been pointed out to the attention of the Jury. It was totally inconsistent with their verdict; and it was quite impossible that they could have referred to it. It was the practice in Ireland, when a Coroner's Inquest took place, that the entire evidence was embodied in the finding; and when a *certiorari* was applied for, the whole evidence, as well as the finding, was before the Court. But that was not the case in England. Only the inquisition, which, in fact, was drawn up with great technical formality, and which was altogether independent of the verdict of the Jury, was required to be produced in Court; and it happened in this instance, as he had already stated, that the heading was altogether inconsistent with the finding of the Jury.

The *Solicitor General* said, that the inquisition containing the clause referred to had been signed by all the Jury; and it was therefore to be taken for granted that they were acquainted with its contents.

Mr. *O'Connell* continued: It was impossible that their attention could have been called to such a clause. They must indeed have been insane if they could have found that the man was, in the peace of God and of our Lord the King, in the exercise of his duty, and was slain justifiably; but it was the duty of the Coroner to have apprized them of it, and shown them that their two findings were inconsistent; but that did not disparage the verdict of the Jury. A good deal had been said about the meeting having been illegal, and he would admit, that it had been called for an illegal purpose. The law, in reference to illegal assemblies, consisted of three parts—as it respected a riot, a rout, and an unlawful assembly. A riot might consist of any three or more persons who were engaged with force and violence breaking the peace. In a case of that description every man was a constable, and could arrest the rioters; a riot was defined to be an assembly, intending to carry an illegal object by violence; and the third case was, when there was an illegal object, but no force or violence intended. Of this last character was the meeting in question. On information, a Magistrate's warrant might have been procured, and they might have been arrested. But what was the evidence? As far as appeared by the reports, the conventionalists used no violence. The evidence went to prove, first of all, an attack by the police on the flags and banners. There was no evidence to show that they had been impeded in any attempt to arrest any of the meeting, but evidence on the other side to prove that the rush at the flags was accompanied by promiscuous and inhuman assaults on the multitude, brutally beating them; and the blood was seen streaming at every side from their blows. The law applicable to such a case was, that on the warrant of a Magistrate there should have been arrest. There was no arrest—there was no attempt to impede the arrest—but, on the contrary, without notice, without warning the people, an assault was made, beating them to right and left, following women and men who were unprotected and unarmed up the stairs where they fled for refuge. With these facts before them, it was impossible the Jury could have come to any other verdict. The true and legal meaning of Justifiable Homicide was, where a man, who was pursued and attacked by another, retired as far as he could, and tried to escape but could not, that then he turned round and killed the man who would have killed him, and caused death in order to save his own life. Now, the Jury had found—he would leave out of view at present what was said about the Riot Act and about the conduct of the Government—but they found that the conduct of the police was brutal, ferocious, and unprovoked by the people. Now, if such was the case, he would defy any lawyer to say, that a verdict of anything but Justifiable Homicide could have been returned.

Sir *George Grey* said, the learned Solicitor General had assumed all these facts in his application to set aside the verdict.

Mr. *O'Connell*: He could not have done so; he was too good a lawyer to have done so. Then, take it the other way; a policeman acted, not in the peace of our Lord the King, in the way described in the verdict, against the people. Putting all the facts together, would any one tell him—would any lawyer say—that a man hard pressed in the way he had described, would not be justified in saving his own life, even at the expense of that of his antagonists? Good God! was a policeman to have a privilege to kill when and where he thought proper? Such a thing might be said in that House, but no man would dare to broach such a doctrine in a Court of Law, for there he would be instantly set down, and his bold assertion at once meet with a flat contradiction. The police were now become soldiers in a different dress, but were not so well conducted as soldiers, at least in his country. He believed that here the police had in general been well-governed and conducted, but here was the first case where they were convicted by a Jury of brutality and ferocity; therefore he was the more anxious to take advantage of it, in order that it might be a lesson to them, before they got so low in the scale of brutality as their fellows were in Ireland, for then there would be no hope of them. Had the Coroner done his duty, and drawn up such an inquisition for the Jury as it was his duty to have done, then no criticism could possibly have set aside that noble verdict, but it would have been as firmly settled in the records of the country as it was in the hearts of the people.

Sir *George Grey* said, that it was incumbent upon him to refute the assumptions of the hon. and learned Member, for if they were to go forth with the weight which his talents commanded, they were calculated to do much harm. He had perverted the case, not intentionally, but he had assumed and stated as facts things which had no foundation. No man, whether lawyer or not, could doubt but that the killing of a policeman in the discharge of his duty was murder. In this case the facts were, not that Culley had pressed an individual threatening to take his life, and that he was killed while so pressing that individual so as to endanger his life. There had not been a single individual brought forward upon the inquest who had received wounds which would at all endanger life, so that that argument altogether fell from under the hon. and learned Gentleman. Had the verdict not been quashed, an impression would have gone abroad which would have been dangerous, that a man had a right to resist the constituted authorities even unto death.

Mr. *Godson* regretted that his Majesty's Government, through their law officers, had thought it necessary to quash the inquisition; it would have been much wiser if the verdict had been permitted to remain attached to it, because it was the inquisition only which had been attacked, and not the verdict; the latter was the act of the Coroner alone. The Jury had found the verdict of "Justifiable Homicide;" that the police, of which Robert Culley was one, had made an unprovoked attack—he would not use the other words of the verdict, because he wished to discuss the subject calmly, temperately, and dispassionately—that the police had made an unprovoked attack on the multitude, and that one of that multitude had caused, in a justifiable manner, his death. Who was there in England would say, that seventeen men on their oaths had found a verdict which was contrary to the fact, and that they had thereby violated their oaths? [Sir *G. Grey* did not impute to them a violation of their oaths, but they were wrong in point of law.] He was sorry that Government had ever raised the question, but as a lawyer, he was justified in saying, that there was no legal power to quash the verdict. The Jury found, that the blow that had been given was justifiable—that was found as a fact; and no Gentleman required to be told, that all the facts of the case should not be stated in the verdict. If an action was brought, the verdict was either for the plaintiff or defendant; so in a case of murder, the verdict was either guilty or not guilty. The whole conduct of Government only went to impugn, not the verdict, but the inquisition, which was drawn up by the Coroner, who knew what he had to draw out, and might have drawn a good inquisition; he might have averred, that a number of persons were collected together—that the police made an unprovoked attack on them—that R. Culley was one of those police—and that the blow was given by a person so attacked, which was necessary to save his own life. In that form the inquisition would have supported the verdict, the Court of King's Bench would never have quashed the inquisition, and the Trial by Jury would not have been questioned. The mistake, therefore, was with the Coroner, who alone was censurable, and not the Jury. He trusted, that the people would thus know, that in what had taken place, no censure had been cast on the Trial by Jury. The verdict had not been attacked, and Government had gone out of their way in getting the inquisition quashed. The hon. and learned Solicitor General stated, that one reason for quashing the verdict was for fear it should ever be tendered in evidence in any criminal case. He had looked for authorities, and he could find no instance in which an inquisition had ever been tendered in evidence. The only part of the proceedings which could be evidence was the depositions of witnesses. He again deplored the steps that had been taken by his Majesty's Government which went to stultify their own acts.

Mr. *Hume* was sorry that the Solicitor General was not in the House to hear the convincing arguments which had been adduced by the learned Gentleman who had last spoken; and deprecated the idea of the Solicitor General producing the bill calling the meeting together, as evidence against the parties who were assembled without any proof to show from whence it came, and by whom it was issued. He regretted the obloquy which had been thrown upon the police by these transactions, while the idea of any importance being attached to the meeting, and the attempt to magnify the proceedings into treason were completely ridiculous. The learned Solicitor General had been left without a leg to stand on; that hon. and learned Gentleman had unfairly alluded to the opinions which hon. Members expressed whilst the inquest was holding, forgetting the proclamation which had been issued by the Government offering a reward of 200*l*. for the apprehension of the murderer of Culley, whilst a verdict existed of justifiable homicide. His Majesty's Government appeared to be making every effort to bring that Government into disrepute with the people of England.

It being three o'clock, the Debate was adjourned.

EAST-INDIA COMPANY'S CHARTER.] Mr. Charles Grant moved the Order of the Day for the House to resolve itself into a Committee on the East-India Company's Charter.

On the question that the Speaker leave the Chair,

Sir *George Staunton* got up to move as an Amendment to that, certain Resolutions relative to India, which he had brought forward on last Tuesday se'nnight, but which he had not then an opportunity of having read to the House. He was anxious that those Resolutions should be entered upon the Journals; but considering the anxiety which the House must feel to hear the statement of the right hon. Gentleman, the President of the Board of Control, he would not detain them by entering then upon any discussion of the affairs of India, but simply content himself with moving the following Resolutions:—

1. That British intercourse with China is the source whence this country is exclusively supplied with tea—an article in such universal use as to be nearly equivalent to a necessary of life, and through the consumption of which a revenue of between three and four millions sterling is annually raised with greater facility and certainty, and with less pressure on the people, than in the case of any other tax of equal amount; and that this trade moreover employs a very considerable extent of British shipping, is the medium of the export of the manufactures and productions of Great Britain and the British possessions in India, to the amount in annual value of some millions sterling, besides affording a certain and convenient channel for the remittance to Europe of that portion of the Indian revenues required to meet the home charges in this country.

2. That this branch of British commerce being of such great importance to the interests of this country, even while it continues, as at present, confined to a single port, and that port one of the least advantageous in the Chinese dominions, either for the export of the staple commodities of China, or the dispersion among the Chinese population of the chief manufactures and productions of Europe, it is not easy to estimate the vast field which would be opened to the enterprise and the industry of the manufacturing and producing classes in this country, if such an improved understanding could be effected between the Governments of Great Britain and China as might lead to a free and unrestricted intercourse of British subjects with the ingenious and industrious

population of an empire, exceeding in respect to numbers, extent, and natural resources, the aggregate amount of all the nations of civilized Europe.

3. That the peculiar jealousy of foreign intercourse which distinguishes the governments of all the nations beyond the Ganges having been fully exemplified by the exclusion of all foreigners, the Dutch only excepted, from the ports of Japan, and, without any exception, from several of the ports of China, to which formerly they were freely admitted, and by the obstructions which have been found insurmountable to any extensive beneficial intercourse with Cochin China, and the other minor states, and being partially mitigated in the single instance only of the port of Canton, it is of the utmost importance that all legislative measures, in any manner affecting a branch of British commerce at once so valuable and so capable of improvement, and yet so precarious, should be founded on the fullest and most impartial consideration of all the circumstances which have contributed to place it in its present position.

4. That, in the first place, instead of being regulated by international treaties, and placed under the recognized protection of a public Minister at the capital, and an acknowledged consul at the port of trade, as is customary in other civilised states, it is wholly abandoned to the arbitrary control of the Chinese local authorities, and is by those authorities subjected to many very severe and vexatious burthens, and to various personal restrictions and privations of the most galling and oppressive nature.

5. That these evils, in the second place, are wholly attributable to the nature and character of the Chinese government, and not to any want of proper spirit and firmness in the agents of the East-India government, who have, upon various occasions, opposed the arbitrary and oppressive Acts of the Local Government with considerable success, and in a manner which individuals, pursuing their separate interests, and unconnected by any bond of union, never could have attempted; and have thus repeatedly secured, for the general interests of the foreign trade, privileges of the most essential importance, and averted from it evils of the most serious description, solely through the influence derived from the magnitude of their commercial dealings.

6. That this influence, being the sole existing check now in operation for the control and counteraction of the corrupt local administrators of the peculiarly arbitrary and despotic government of China, it is indispensably necessary to the security of our valuable commerce with that country, that whenever any change shall be made in the British commercial system, having the effect of putting an end to this influence, an equal or greater instrument of protection be at the same time created and substituted for it, under the sanction of a national treaty between the two countries, without which previous sanction, any attempt to appoint national functionaries at Canton, for the protection of trade, would, in the present state of our relations with China, not only prove of little advantage to the subject, but also be liable, in a serious degree, to compromise the honour and dignity of the Crown.

7. That notwithstanding the failure, in this respect, of all complimentary embassies to the Court of Pekin, however otherwise beneficial they may have been in raising and producing the due recognition of the national character, the evidence of the treaties which have been repeatedly negociated by the Chinese government with that of Russia, through the medium of the Commissioners duly appointed on both sides, not only for the adjustment of boundaries, but for the regulation of trade, prove that there is no insurmountable obstacle to such an arrangement.

8. That in the event of these expectations not being realised, and it proving impracticable to replace the influence of the East-India Company's authorities by any system of national protection directly emanating from the Crown, it will then be expedient (though only in the last resort) to withdraw the British commerce altogether from the control of the Chinese authorities, and to establish it in some insular position on the Chinese coast where it may be satisfactorily carried on, beyond the reach of acts of oppression and molestation, to which an unresisting submission would be equally prejudicial to the national honour and the national interests of this country.

9. That, lastly, the state of the trade under the operation of the Chinese laws in respect to homicides committed by foreigners in that country, calls for the early interposition of the Legislature, those laws being practically so unjust and intolerable that they have in no instance for the last forty-nine years been submitted to by British subjects; great loss and injury to their commercial interests accruing from the suspension of the trade in consequence of such resistance, and the guilty as well as the innocent escape with impunity: and that it is, therefore, expedient to put an end to this anomalous state of the law, by the creation of a British naval tribunal upon the spot, with competent authority for the trial and punishment of such offences.

The Resolutions, which were put by way of Amendment, were negatived without a division.

The House resolved itself into a Committee on the East-India Company's Charter Acts.

Mr. *Charles Grant* said, that he rose in pursuance of the notice which he had given a few days ago of his intention to bring before the House on that night certain Resolutions respecting the East-India Company's charter. He felt persuaded that the House would agree with him in thinking that the subject was second in importance to none of those weighty questions which had lately occupied the attention of the Legislature. He might even go further and say, in reference to the vast extent of territory concerned, and the multitude of human beings whose fate turned on the decision of the question, that this subject claimed priority over all those which had already so anxiously absorbed their attention. At the same time, he was perfectly aware that the subject was one which failed in exciting that strong interest which belonged to some other topics recently discussed, and he, therefore, felt that he was peculiarly entitled to bespeak the indulgence of the Committee for whatever observations he should have to offer. The details into which he should be obliged to enter must, of course, from the nature of the subject, be in some respects tedious and uninteresting; but he trusted that the House would do him the favour (he recalled the word)—he doubted not that hon. Members would do their duty, by seriously attending to the subject now brought under their consideration. He called them away from other topics, which might awaken more intense interest from the circumstance of party and political feeling being involved in them—he called their attention away from such exciting topics, to one, in which, neither party nor political feeling, was, or ought to be, mixed up, for he hoped, that no one would approach the subject, without bearing in mind, that the principle on which the Legislature should act, was with a view to benefit the native inhabitants of India, and through them, ultimately to benefit this country. This was the first and paramount duty of the House in dealing with the question now before it. He was happy to think, that the subject, great and momentous as it was, and uninteresting as it might appear at first sight, was yet not entirely new nor strange to many of those whom he had the honour to address. The various Committees which had of late years examined the subject had rendered it more familiar to the House, and especially to individuals who took an interest in Indian affairs, than it was at any former period. The Resolutions which he intended to submit to the House, would be brief and simple, and would relate chiefly, if not entirely, to the discussions which had taken place between the Government and the East-India Company, and embody the result of those discussions; they would show the bases of the arrangement which the Government recommended the House to form with the East-India Company. The papers, and all the correspondence which passed between his Majesty's Government, and the directors of the East-India Company, had been before the House for several weeks, and the documents had been before the public for some months; and the subject had been so amply canvassed and discussed by all classes, that gentlemen could be at no loss to form an opinion on the question. In stating his Resolutions to the House, it would be his duty to refer to some other measures, which, though not embodied in those Resolutions, he thought it essential to introduce into any Bill or Act of Parliament, which might be passed in pursuance of them. These were measures of a general character, the principle of which had been amply developed in the documents before the House. He proceeded then to approach the consideration of the subject, not only with reference to the future government of India, to the points immediately at issue, but with reference to those general measures on which the interests of our Indian empire must depend; and he approached the consideration of them, with a deep—he had almost said overwhelming—sense of their importance. But in stating the general measures contemplated by his Majesty's Ministers, which were the most important, it was necessary, in the first instance, to advert to the existing relations between the present Administration and the East-India Company. He should, therefore, first offer some observations on the discussions to which he had referred, and he would then state some particulars, to which he hoped to obtain the attention of the House. The question first in importance respected the agency by which the political administration of India was to be conducted; then came the question respecting the trade of this country with the East Indies, and the eastern world generally; and finally, the proposed agreement, and the terms of the proposition made to the East-India Company, upon which he was to submit a plan to the House. With respect to the political administration of India, now in the hands of the Company, the first question naturally was, "why any change should take place?" To that question, the answer was, that Parliament having fixed a period for the revision of the existing system of government in India, it was right that Parliament and Government should look into the merits of the whole case, and take into account the change of circumstances and progress of events, which might have affected the question; but the reasons which had induced him to propose such measures as he now brought forward, he should more particularly explain and develop as he proceeded. In looking at the condition of India, as to its political administration, he was disposed to consider the practical operation of the system, without reference to mere theoretical symmetry of design. He cared not what seeming anomalies might exist; the only question was, whether the working of the system produced practically beneficial effects? He knew as well as any one that there were evils in the practice and working of the present system of government—that there was a too great weight of taxation—that justice was delayed, not fairly dealt out to all. He readily admitted the existence of those evils, but when he was questioned upon the practical bearings of the system, he would say, look to the whole of that country, both under the present government and under former governments, and look to the colonial dependencies of other empires, and compare them with India now. When the present government was compared with former governments, it was found, that the natives of India were in a better situation now than ever they were, with the exception of a single period, under the sway of one Mogul Emperor, whose happy reign was yet a theme of grateful praise. In comparing the condition of our Indian population, with that of the colonies of Spain, of Portugal, of Holland, and even of some of our own colonies in the West Indies, he must claim for the inhabitants of our Indian possessions much greater advantages than were enjoyed by the colonies of any other nation; and let them remember, that it was on the influence of that government over the welfare of 100,000,000 of people, they were about to decide. If they went back to the administration of the government of India for the last forty years, it would be seen, that it had effected a great improvement in the condition of the people of India. He did not wish to go further back, for there were some acts done under the government of Lord Cornwallis, and of the government which immediately preceded his, which he did not and could not approve of. But the government of India, for the last forty years had, with all its faults and imperfections, proved of the greatest benefit to the people of that country. A government which should distinguish itself by a brilliant career, was not that which was required by the people of India. Such had not been the character of government within the period to which he had referred. It was, he would say, sluggish, and not calculated to make any great or rapid strides; but it was such a government as the people required—it gave ample security to person and property; it exerted vigilance against any encroachment of violence and rapacity; it gave to the people repose, security, and tranquillity. The very jealousy excited by the nature of the Company's monopoly, had been security to the natives against the encroachments of others. And when it was asked what the Company had done for the people of India, the Company had a victorious answer in the fact, that the native population, if they had not been greatly advanced, had been amply protected. Within the last twenty years, the native population had acquired a political existence, which was fully recognized by our Government—a circumstance which would have been treated as quite chimerical if it had been talked of some years before. The consequence of this improvement was, that the people were now beginning to feel and to acknowledge the value of the laws. Public opinion and public feeling in this country, were now acting on the government of the people of India—not producing any violent effects, but operating to the amelioration of their condition, by the slow but certain process of kindness. These, then, were reasons which would justify the continuance of the political government of India in the hands of the Company for a time longer; but there were, besides, other reasons for the continuance of the Company's administration. To these he would not now advert in detail; but there was one point which he could not omit to notice—it was, that by the interposition of the Company between this country and the people of India, India had been preserved from being agitated by those constant fluctuations of party and political feelings, which were so strong in this country, and than which, nothing would have opposed a more formidable barrier to the improvement of the people of India.

He had now briefly stated some of the reasons which had induced the Government to believe that, on the whole, it would be the wisest plan to continue the Company in the political administration of the country. He thought it was clear, that any other form of government might be liable to the same inconveniences with which the East-India Company's government was formed. Any other form of government would be likely to produce very considerable evils. What were the circumstances that marred the efficiency of the East-India Company's government? One circumstance was the union of its trade with its government. This had been a generally admitted principle, he thought, until he heard to-night two hon. Members arguing for the government to continue in the East-India Company both the administration of the laws and the exclusive trade with China. It was felt, however, to be a great inconvenience that the Company should be permitted to carry on trade. He objected to it, not on the ground of theory merely, but of practical inconvenience. He said more than this—that the union of the sovereign and the trader in that country was calculated to give a false impression of the character of the government. The object of the trader was mercantile profit. That was once the object of the East-India Company; but although that was now no longer its object, the people could not help thinking that their rulers were still governed by that ancient principle. Nothing, therefore, more marred the perfect efficiency of the present government in India than the union of trader and sovereign. Another circumstance which tended considerably to detract from the efficiency of the Company's government in India was the want of a proper check in the expenditure of the subordinate presidencies. This control was deficient not only in the government at home, but in the supreme government in India, and the result was, that some of the presidencies involved themselves in many expenses which were not necessary. The cause of this was, that the Company, relying on its commerce for the payment of its dividends, paid less attention than it might otherwise do to the expenditure of its territorial revenue. He did not mean to say, that the members of the East-India Company were more indifferent to the prosperity of their territorial revenue than others would have been in their situation, but simply that they had no peculiar interest in attending to that revenue, and that, consequently, it could not be expected that they should watch its expenditure so narrowly as it ought to be watched. Another circumstance which had interfered with the efficiency of the government in India was the interference which too often took place from home. It was essential to the well-being of India that confidence should be placed in its administration, and that, as far as possible, the interposition of the home authorities should be confined to cases of a strong and extraordinary nature, or rather to cases of a general nature. All that depended on the administration of the government in India ought to be left to the administration there. Having once resolved to place confidence in those to whom they delegated the government of India, that confidence must be very large indeed, or otherwise the government there could not be efficient. He thought for the reasons he had mentioned, as well as for other reasons, the nature of which was well known to the House, that it was on the whole most expedient to maintain the political administration of the East Indies in the hands of the East-India Company. He would now say a few words regarding the trade of that Company. The House was aware that the Company had now the monopoly of an extensive trade to China, and the question was, in what manner the House should deal with that part of the subject. He scarcely knew whether it was necessary for him to enter at any length into that question, because it was one on which the people—he meant the nation—had made up their mind. If he, however, felt as a Minister of the Crown, that the decision of the nation was not founded in justice, it would not be proper in him to come forward and propose the alteration. Therefore he would confess, it was not merely because it had been decided by the people, but it was also on other grounds that he proposed to open that trade. As far as regarded the voice of the nation, he must say, that it was not the clamour of the moment, but it was the voice of an enlightened community, formed during a succession of years, and particularly during the period since the last renewal of the Company's charter. But he would refer to the course of events, and the progress of commercial enterprise. It was impossible for any person to look at the progress of our commercial system for the last ten, fifteen, or twenty years, and not to know, that it was impossible any longer to continue restrictions on commerce. Our commercial policy fifteen years ago was restrictive, and although many restrictions had already been removed, he was ready to admit, that there were others which it would be better to remove. The result had proved that commerce had been struggling under the trammels which confined it, until at last it had broke through them, and it became necessary to do away with the restrictive system; and at this moment, when there was a new field for commercial enterprise, and when America had emancipated herself from the thraldom which cramped her energies and limited her commercial spirit, when all those things were taken into consideration, he thought it high time that this country should proceed in the same career of liberality and justice. All the nations of Europe were now rushing into the contest. If this country meant to maintain her position as a great mercantile nation, she must pursue that course of liberal policy, without which, however in former times she had obtained the wealth of her nations, she could not maintain those great sources of wealth which he trusted Divine Providence had still preserved for her. The exclusive privilege of the trade with China upon every ground must now be considered to have arrived at its natural termination. But there were circumstances which, even if the House and the country were prepared to continue the monopoly, would require its termination. There were circumstances connected with the trade itself which called for its termination. In consequence of the diminution of the profits of the India-trade, the East-India Company felt themselves some time ago, obliged to abandon that trade. The China trade was a trade decreasing rather than increasing in profits. The profits of that trade diminished in the following ratio:—He would take the period of the last fifteen years. The profits of the trade, in the first five years of that period, were 1,300,000*l.*; for the second five years, 830,000*l.*; and for the last five years, 565,000*l.* There was, however, a further necessity for putting an end to that trade—it was the particular relation of this country with the Chinese. That, in his opinion, constituted a main difficulty against continuing the monopoly. The Chinese were a sensible, jealous, and capricious people. They were despotic and arbitrary, and circumstances might occur that would excite a collision between them and this country. That, among others, was with him a most material ground why the exclusive privileges of carrying on trade with that empire ought not to be confined to one body of men. He spoke of the servants of the Company employed at China as men of great ability, who did their duty well, but their position was ambiguous and embarrassing, and occasionally, very invidious. They had, nominally, no power, but still they were, at times, obliged to interpose with all the weight of their national character, and, at other times, to profess their utter inability to control individuals belonging to the community they were thought to represent. Their position was, therefore, ambiguous and embarrassing, and could not fail of exciting suspicion. But it had been said that the monopoly of the Hong merchants was such, that it required a monopoly, in order to meet it. He thought, on the contrary, that the abolition of the exclusive privilege of the East-India Company would tend much of itself to do away with the monopoly of the Hong merchants. This monopoly had not always existed in China; it was not even coeval with the existence of the East-India Company. The first attempt to establish that system of monopoly occurred in the year 1715, when some of the principal merchants of Canton determined to establish a monoply of the English trade. They were prudent and sensible men, and they saw the great pecuniary advantage which monopolizing the intercourse with England would be to themselves personally, and they very naturally, therefore, endeavoured to secure it. They were, however, strenuously opposed by the East-India Company, and in consequence of this opposition, the plan was soon afterwards abandoned, and it was not again attempted for a considerable period. Subsequently, however, about the year 1760 (he believed), the project was renewed, and that time it proved successful. It was clear, then, that the monopoly of the Hong merchants had not always been considered essential to the existence of the intercourse of this country with China, and he thought it probable the abolition of the East-India Company's exclusive privilege would tend to do away with the Hong merchants' monopoly likewise. With regard to the arguments which had been brought against an extension of the China trade—namely, that the Chinese were a suspicious race, and would not readily be brought to trade with the nation generally, he would ask if it was to be wondered at that they were suspicious of the British nation? and if it were not likely that their suspicion was much augmented by their dread of the power of the Company? They had heard of the Company's victories in many parts of India, and to a people so sensitive as they were as to the approach of any foreign power to their territory, such matters were great cause of jealousy. As a proof of this, he need only mention, that during our war in the Nepaul territory, in 1818, the Nepaulese sent an embassy to China to beg the interference of that government with the Company. With the caution which usually marked the proceedings of the Celestial Empire in its intercourse with foreign states, the answer to the application was delayed; but after some time an application was made to the Company on the subject. An embassy was sent to Nepaul to request that we would withdraw from it. Then came the Burmese war; and how astonished the China caravan must have been to find, in one of their annual visits to the capital of that country for the purposes of trade, to find, instead of their usual customers, that the place was occupied by the forces of the East-India Company. These were events well calculated to excite the jealousy of the Chinese, but if, instead of an intercourse with the Company, which they must regard more in the light of the sovereigns of a powerful dominion, in their immediate neighbourhood, rather than as a body of merchants, they had to deal with a viceroy, or other public functionary directly representing this country, and having the management of its interests at Canton, there would be less chance of any such jealousy arising. There was another subject which called for some remarks. He meant the origin and creation of that large body of Englishmen at present carrying on trade at Canton, which had arisen within the last twenty years. Those traders, although originally few in number, and unimportant in a commercial point of view, had gradually increased, and extended their commerce both in amount and value. That two parties should at the same time exist —the one enjoying a monopoly, and the other carrying on business on the principles of free trade—could not fail of being productive of embarrassment and inconvenience. Those merchants had sprung up into importance in a very short time. In 1816 their shipping amounted to 1,000 tons only; but since then it had increased to an extraordinary degree. The value of their exports and imports had increased immensely, while the value of the exports and imports of the East-India Company had decreased. It appeared that the total value of the exports and imports of the Company to and from China in the year 1813-14 was 13,500,000*l*., while the total value in 1829-30 had fallen to 11,600,000*l*. while the total value of the exports and imports of the Canton merchants in 1813-14 amounted to 9,000,000*l*., and in 1829-30, it had increased to 31,000,000*l*. The system under which this trade was carried on was regular and complete, and although contrary to the laws of China, was still patronized by the authorities in that country. It was carried on in five or six floating ships, or a sort of floating colony, which were guarded by the same navy which guarded the ships belonging to the Chinese themselves. For though the trade was contrary to the law, it was so profitable that the local authorities not only connived at it, but by every means in their power endeavoured to extend it. A complete and perfect system had been established under which the private trader was enabled to evade the jealous laws of the country, and to carry on his traffic with security. So much was the whole a matter of system, that the money paid for the connivance of the commanders of the guard-ships, so far from being transmitted in small parcels, and at different times, to avoid detection, was paid at once in one round sum. It was obvious that this state of things could not continue; the competition of such a body as that he had described acting upon the principles of free-trade, must eventually become too powerful for the Company, even if its monopoly were allowed to continue. But it was objected that if the trade be withdrawn from the Company, there would be a risk of its being lost to the country altogether. He had no apprehension of any such danger. He admitted, that great prudence and caution ought to be observed in all our dealings with a people of such peculiar notions as the Chinese; but using that caution and that delicacy he had no fear of creating a shock prejudicial to our interests in China by the withdrawal of the Company's monopoly. His hon. friends, the member for Hampshire, and the member for Berwickshire, recommended that we should take possession of an island somewhere in the neighbourhood of Canton, with the view of more effectually advancing the commercial interests of this country in China. But such a project would be likely to fail; because it would in the jealous minds of the Chinese, excite distrust and dislike, and instead of advancing, would inevitably retard and prejudice our interests. At present the state of society in Canton was essentially amicable; but the parties to whom he had alluded, were disseminators of the principles of free-trade—they rallied round them all those, whether foreigners or not, who were opposed to the exclusive privilege of the Company; and, therefore, though their relations at present be amicable, there could be little prospect of their continuing so for any considerable length of time. He certainly should very much regret that circumstances had so turned out, if he entertained the same apprehensions as some Gentlemen with respect to the results; but he did not see any ground for those violent alarms, by which they were agitated. He admitted, that the Chinese were a peculiar people, and that great delicacy of conduct ought to be observed in our dealings with them. It would be unpardonable, therefore, in the Government and the House not to take the strongest precautions with a view to allay apprehensions, and ward off the great evils which might arise if those apprehensions were well founded. But he did not think, from all that appeared in the evidence, that there was any likelihood of such a sudden revulsion of feeling among the Chinese as some hon. Gentlemen anticipated. His hon. friend, the member for Hampshire, in one of his Resolutions then before the House, and in the course of his observations in support of those Resolutions, had said, that he thought the trade with China should be opened gradually. Now, in point of fact, such was already the case, and considerable progress had already been made in so opening the trade as not violently to offend the prejudices of the natives. If, ten or fifteen years ago, that hon. Member had been asked what steps he would recommend to be taken for the gradual opening of the trade, he would have no doubt answered "You have a peculiar people to deal with, and have to take into account the high influence possessed by your traders, from their wealth and character. You must, therefore, be careful how you deal with the subject. You must make it your business to admit foreigners who will deal with the natives on the most just and equitable principles of trade. Your next step must be to admit English traders independent of the Company, whose transactions with the natives should be so regulated as to advance the confidence of the Chinese. You must then proceed by discontinuing gradually the system of contracts, and of making advances upon them, in order that the natives may begin to be habituated to general trading, so that at length they may begin to know more fully the feelings and circumstances under which commercial transactions are carried on. You must go still further, and bring first ten vessels to trade with them, then fourteen vessels, and then twenty, and so on." That he would call a gradual extension of the trade. Now it so happened, that these were the very steps which had been proceeded with during the last fifteen years. The trade had been gradually increased, the number of vessels had been gradually increased, the contracts had been gradually narrowed from 160,000 chests of tea in one year to 100,000 the next. The ships of other nations had been sent in, large numbers of Englishmen were allowed to trade as private traders, and by their intercourse with those, the merchants of Canton had become well acquainted with the fluctuations of trade. Thus the very course which the hon. Member would have recommended had been followed. He (Mr. Grant) thought, therefore, that he was justified in saying that the Chinese had been gradually prepared for an extension of the trade. The Chinese, as a nation, were not so void of commercial enterprise as was generally supposed. Their seas were already swarming with vessels and they carried on trade subject to the laws and chances of commerce. They knew, that they had to expect that their trade would one year yield them gain, and another year loss, and that in driving a great trade, great fluctuations must necessarily take place. He thought that the evidence on the subject went to show, that the Chinese were prepared for a change in the system under which they had hitherto traded with strangers, and they even showed a disposition to effect a change. About three years ago a memorial was presented to the Viceroy of Canton by the Hong merchants which was instructive and as it was not very long he would venture to read it to the House. The right hon. Gentleman accordingly read the following extract from a Memorial presented to the Viceroy of Canton, by the Hong merchants, in January, 1831. 'At present, the last 'division of the said nation's Company's 'ships is about to leave the port and return 'home. We, prostrate, beg that you will 'condescend to confer an edict, enjoining 'the said nation's Chief, Marjoribanks, 'to send a letter home, to communicate 'it to the said nation's King, that if hereafter the said nation's Company be dissolved, will there, as heretofore, be appointed a Chief to come to Canton, to 'have the general management of the 'affairs of the said nation's foreign merchants and ships, which come to Canton. 'If no such Chief come to Canton, there 'will be no concentrated responsibility; 'and since, if the said nation's country 'ships and merchants come to Canton to 'trade, the ships being many, and the 'men not few, in the event of any silly, 'foolish, ignorant opposition to, and violation of, the commands of Government, 'after all, who will be responsible? The 'Celestial Empire's laws and regulations 'are awfully strict, and will not admit of 'the least infraction. The said nation 'must be ordered to make previous and 'safe arrangements; then, hereafter, 'public affairs will have a head to revert 'to, and responsibility will not fall upon 'by-standers. Thus, it may be hoped, 'the commerce of the foreign merchants 'may go on tranquilly, and when the time 'comes to act, excuses be prevented. 'Whether our simple obscure views be 'right or not, we, prostrate, submit and 'wait till they be examined, the request 'granted, and orders given to be obeyed. 'This is really both just and expedient. 'Should we have to give thanks for the 'favour of compliance, we, the merchants, 'will wait till we receive the important 'commands, and forthwith respectfully 'transcribe them, and communicate the 'orders.' That would show, said the right hon. Gentleman, that the merchants were not unprepared for the change now about to take place. The Viceroy, in his answer said, 'This coming before me, the 'Governor, according to the proof it 'affords, I have examined, and thus decide:—The English nation has heretofore appointed a Chief to come to Canton, for the general management of 'commercial dealings. If, indeed, after 'the 13th year, the time of the Company 'be fulfilled, and it be dispersed, the said 'nation no doubt ought, as before, to appoint a Chief to come to Canton to 'manage. But what is said in the present 'statement, about separation or dissolution of the Company, is merely report 'heard by the said merchants. Whether 'it be really true or not, still remains 'uncertain. However, that which is 'stated arises from public motives concerning the future, and it is incumbent 'to make previous arrangements. As the 'above-named statement has been presented, I unite the circumstances, and 'hereby issue an order to the said Hong 'merchants, that they may forthwith enjoin 'my commands on the said nation's Chief 'early to send a letter home, that if, indeed, after the 13th year of Taou-kwang, 'the Company be dissolved, it will, as 'heretofore, be incumbent to deliberate, 'and appoint a Chief, who understands the 'business, to come to Canton, for the 'general management of the commercial 'dealings, by which means affairs may be 'prevented from going to confusion, and 'benefits remain to commerce.' From that he thought it would appear, that the Chinese authorities were fully prepared for a change. But it was also a fact which should not be lost sight of, that the people of China, as far as our intercourse with them enabled us to judge, were themselves anxious for the continuance, and, indeed, the extension, of that intercourse, though it was prohibited by the laws of the empire. He would mention, as an illustration of this, the fact that a ship was some time ago fitted out by the English at Canton, for the purpose of ascertaining how far it would be practicable to establish a commercial intercourse with some of those who dwelt on the coasts. There was, at first, some difficulty opposed on the part of the local authorities, as the orders of the Government are very strict in that respect, but by a little perseverance, and the advantage of having a gentleman on board who was perfectly conversant in the Chinese language and customs; indeed, so well acquainted that the Chinese would not believe that he was not a deserter from amongst them,—by that gentleman's aid, they soon overcame this difficulty. Wherever their vessel touched, the people came around them in great numbers, and in some instances they were visited by the local authorities; but in every case the people showed the strongest disposition to open an intercourse with them. He (Mr. Grant) thought that much of the suspicion felt by the Chinese was owing to our not being acquainted with the language, and that the more their language became known, the easier the intercourse would become. He laid no stress on this as a proof that we should expect to open an immediate intercourse with other parts of China than those to which we were at present allowed to trade; but the fact was not undeserving of notice, as showing the disposition of the Chinese people in this respect. He was aware that the Government of China was a severe despotism, and that the laws of the country strictly prohibited an intercourse with foreigners; but the House should recollect, that though the laws of China were positive against the introduction of opium into the empire, it had been found impossible to exclude it. The decrees of the emperor against it were not less strong than those of James 1st against the Virginia weed. But the circumstance of its being carried on to a great extent being well known, its progress aroused the attention of the Imperial Authorities. The emperor sent in a very grave and just remonstrance — for he must say, there was much sound sense and shrewd observation in the character of the Chinese—desiring the Viceroy of Canton, to call an assembly of the public authorities to devise some means by which this trade might be abolished. The Viceroy did call the assembly, and as the result of their deliberations, reported to the emperor that it was impossible to prevent the introduction of opium—that the dealings in it were so extensively carried on, that the only way in which they could be prevented was, by thee xtermination of all the foreigners, which he submitted would not be consistent with the tenderness of the Celestial Empire; and he advised the emperor that the best thing he could do would be, to legalize the trade by laying a duty on the article. He (Mr. Grant) mentioned this, to show that a more constant intercourse with the Chinese might at last tend to remove many of the restrictions to commercial dealings with foreigners which were at present imposed by the laws of that country. Now, as it would be quite impossible to prevent that trade, and as there would always be a vast number of English residents there, it would be necessary that the functionary or functionaries that should represent this country there, should be armed with great and extensive powers. Indeed, taking into account the various and difficult and delicate duties which our representative there would have to discharge, he confessed that he thought he ought to be armed with almost unlimited powers. In fact, he was of opinion, that it would be next to madness to make the change that was proposed there, without giving the powers that he stated, to the person that should represent the nation in China. He would, therefore, propose, in the Bill which he should have to submit to the House on this subject, that his Majesty should be empowered to issue a Commission to such persons as he should think fit, arming them with such powers as he might deem proper, for the purpose of managing the concerns and taking care of the British interests in Canton. He thought that if those Commissioners were men of discretion (and they certainly ought to be such men) if they were well chosen, and if they acted with prudence and with delicacy, that in the course of time it would not be impossible to conciliate the Chinese authorities at Canton, and perhaps to remove that barrier which at present stood in the way of our general commercial intercourse with that country. He was very much disposed to think that it might be possible, by the adoption of prudent measures on the part of those Commissioners, and by their clearly separating our commercial dealings there from the duties imposed on them, to a certain degree to conciliate the Chinese authorities so as to open a channel for general intercourse and communication with that great and extensive empire. He thought that they were fully justified in entertaining such an expectation from what had been the consequence of the prudent conduct of many of the supercargoes of the Company resident at Canton, which had had a considerable effect towards leading to such a desirable result. He would now for a few moments advert to the Resolutions which his hon. friend, the member for Hampshire, had proposed on this subject. His hon. friend stated in one of those Resolutions, that before any change, such as that which was now proposed, should be carried into effect, it would be necessary to enter into a negotiation with the government of the Chinese empire; and his hon. friend was of opinion, that unless we did so we should find such a change to be attended with much hazard and considerable danger. Adverting also to the former embassies which had been sent from this country to China, and arguing from the result of them, his hon. friend contended, that we should be justified in sending out a similar embassy now, before we completed this arrangement. He (Mr. Grant) must say, that he altogether differed on that point from his hon. friend. He did so with the most unfeigned diffidence upon a subject with regard to which he was well aware that his hon. friend was an authority that was entitled to the greatest respect. Considering the extent to which his hon. friend had carried his acquaintance with the language, the manners, the feelings, and the habits of thinking, of the Chinese, he would repeat that it was with the most unfeigned diffidence, and with no small difficulty, that he ventured to differ from his hon. friend upon a point much connected with the character of that people. He would confess, that this subject of negotiation was one with regard to which he did not clearly see his way. Of this, at least, he was certain, that the result of our former embassies to China was far from encouraging. He did not see in what manner they had tended to produce a respect for our national character amongst the Chinese, and undoubtedly he thought, that to be dismissed with disgrace from "the presence" was not a circumstance that could be looked upon as productive of any particular advantage to this country. His hon. friend, in arguing for our endeavouring to open a negotiation with the Chinese, had referred, as an argument in support of his proposition, to what had been done by the Russians. Now with respect to the Russians the case was an extremely different one. With Russia, China was so connected, that it was absolutely necessary that there should be to a certain extent a commercial intercourse between the two countries. The connexion of the respective boundaries of the two countries rendered such an intercourse inevitable; but the trade carried on between them was not to a great extent, and it was only two years ago that on two Russian ships going by sea to China the intercourse between Russia and China by sea was positively and peremptorily prohibited by the authorities of the Celestial Empire. He thought, moreover, that, even were it possible to enter into such a negotiation on the part of this country with China, there would be, at the present time, and with the peculiar circumstances under which it was proposed, great danger in our attempting to do so. To enter into such a negotiation as preparatory to the change of system which it was proposed to effect, would, he thought, have a tendency to create considerable embarrassment and difficulty in the way of carrying that change into operation. If they should commence a negotiation as preparatory to the introduction of this change of system, it would have an ominous appearance to the Chinese. It would be calculated to awaken all the jealous and sensitive feelings which that people entertained with regard to strangers, and the result might be most disadvantageous to the interests of this country. He had not lightly, nor without much consideration, formed the opinion respecting the propriety of any attempt on our part to open a negotiation with the Chinese government. About two years ago, on the occasion of the interruption that took place in the intercourse with the Chinese at Canton, the subject of entering into such a negotiation had been under the consideration of his Majesty's Ministers, and upon the grounds which he had just stated they had come to the conclusion that it was liable to considerable objections. He did not think it would be necessary for him on this occasion to enlarge at any length on the question of the China trade; but as it was a subject which was regarded with great interest in this country, there were one or two points connected with it, to which he thought it right to advert. The trade of the East-India Company to China, with the exclusive privileges appertaining to it, would cease in April, 1834. It would, therefore, then be open to all the merchants of this country to enter into it; and the question now was, whether the Company should send out any ships this season, seeing that the whole of the trade would be open next year. The ships that would go out now, could not return from China until the latter end of next year, or early in the commencement of the year after; and, therefore having been asked for his opinion on the subject by the Directors, he had recommended them not to send out any more ships than those that were at present under orders for China. When the trade should become open, he had no doubt that there would be an abundant supply from the Chinese market, to answer the demand of this country, and at present there was a very large stock of tea in the warehouses of the East-India Company. The amount of tea in the warehouses of the East-India Company at present, was sufficient to supply the consumption of this country for two years after the cessation of their exclusive trade in April, 1834; and, therefore, if there should be any interruption to the supply of tea, owing to the cessation of the trading of the Company, which was not at all likely to occur, there was a sufficient supply here at present to meet the consumption of the country for two years from April, or even June, 1834. The proposition had been made, that sufficient time should be allowed to the East-India Company, to dispose of their tea after 1834, before the private trader came into competition with them in the market; but on the whole, he thought that it would be better not to interfere by law with their private concerns. With regard to the duty under which tea should be admitted, when the trade was opened, he was ready to admit, that an *ad valorem* duty had some advantages, but he thought, that one disadvantageous effect of it was, to augment, to an undue extent, the price of the article on which it was laid, and that another disadvantageous effect of it, in a commercial point of view, would be, that it not only would be injurious to the trade, but that it would very much narrow the extension of the consumption of the article on which it was laid. On the other hand, a rated duty, which was in every other respect preferable to an *ad valorem* duty, had this peculiar disadvantage attending it—that unless proper precautions were taken, it would press unequally and unjustly upon the lowest class of the consumers of tea. The difficulty, then, which they had to avoid, was the alternative of resorting to a rated duty, that would be the same upon all classes of teas. Now, on looking at the evidence of gentlemen, who were peculiarly qualified to offer suggestions on the subject—at the evidence as well of gentlemen connected with the Customs, as of those concerned in the tea-trade—it would be found that they concurred in recommending, not the imposition of a rated duty upon the whole amount of tea consumed, but that teas should be separated into four or five different classes, and that rated duty should be fixed on each separate class, and in that way, relief not only would be given to the lower class of consumers, but that tea would be rendered cheaper to all classes of consumers. As the subject was surrounded with difficulties on all sides, it seemed to his Majesty's Ministers, that to propose a classification of teas, and to impose on each separate class a different rate of duty, was the best mode of proceeding to adopt. Such had been the course adopted in the United States, before the duty on tea had been taken off there, and the concurrent testimony of all who had been examined as to its effects, showed, that it operated in no way to diminish the revenue, while it had not an injurious effect upon the consumption of the article in question. He did not think that the private trader should be confined, in the warehousing of his teas, to the warehouses of the East-India Company. He was sure, that the number of warehouses would be such, as to be sufficient to supply any demand for them. There was another point, to which he would briefly advert—namely, as to whether the traders to China should be restricted as to the size of the vessels which they should be empowered to send thither. He was aware, that this was a point involved in much difficulty, and that the opinion of experienced individuals had been given, as to the necessity of fixing those vessels at a certain rate. He would not say what opinion his Majesty's Government had formed on that point, but as an individual, he would say, that he could not conceive any necessity for the imposition of such a restriction. There was another question, which related to the basis on which the trade to China should be established. That question was, whether tea should be allowed to be brought from other parts of the world, as well as from those from which it was at present imported by the East-India Company. He thought that the present limits, to which the trade of the East-India Company was confined, were extremely wide, embracing as they did, the whole of the coast, from the Cape of Good Hope to China, and out of those limits tea was not at present to be procured, except at second hand. There was another point connected with the commerce of the East-India Company, upon which he was anxious to say a few words, because it was very important, in a manufacturing point of view, to this country. It was to be borne in mind, that the East-India Company had, for some time, been in the habit of importing considerable quantities of raw silk into this country. The Company kept up a large establishment of finishers of silk in India—they had taken great pains to improve the quality of the silk—and the importation of it into this country had become of very great importance to our manufacturers. The House would, he hoped, agree with him, that when the trading of the Company was to be put an end to, it would be most unwise that this supply of silk should be suddenly stopped; and that it would be most unjust to the natives employed in those establishments, that they should be thus, at once, thrown out of employment. For their sakes, therefore, it was intended, that the Company should be still allowed to employ them, while it would be the duty of the government of India to seek out capitalists into whose hands the trade might be thrown, so that the workmen might continue in employment, and our manufacturers be always supplied with silk. By this arrangement, the supply of silk would continue in the Company till proper persons were found to take it from the Company. He had to apologize for being obliged to trespass at such length on the attention of the House. But he had yet another and an important part of the question, to discuss: namely, the species of compromise, which had been proposed by the Government, and which had been acceded to by the East-India Company. It would not be necessary for him to enter into a specification of all the details of it, seeing that they were already before the public, but he would simply and shortly state to the House, that the plan was this — that the East-India Company should surrender all its rights and privileges, and property—the territory of India; and it was proposed by his Majesty's Government, that the authority of the government of India, should be continued in the hands of the Company, for the period of twenty years, but their commercial privileges as a trading Company should cease, and that, in consideration of their giving up those privileges, an annuity should be granted to them, the amount of such annuity to be charged on the territory of India. It was calculated, that the resources of India would be sufficient to supply this annuity, which it was proposed should be 630,000*l.* a-year, being the amount of the dividends which the proprietors at present received; and it was to be redeemable at the end of forty years, at the rate of 100*l.* for every 5*l.* 5*s.* of annuity. It was proposed, that the guarantee fund should amount to 12,000,000*l.*, for securing the payment of the annuity, as well as for paying off finally the capital stock of the Company; and it was proposed, that the annuity in question, should be paid for a term of forty years, at the close of which period, it should be at the option of Parliament, giving three years' notice, to redeem it at the rate of 100*l.* for every 5*l.* 5*s.* of annuity. He had already stated, that it was proposed that the East-India Company should retain the political administration of India for a period of twenty years, at the end of which period, they might, if deprived of the government of India, demand the payment of their capital; but that if, at that period they did not demand it, then, that the payment of the annuity he had already stated, was to be continued for a term of forty years. He had thus stated to the House, a general view of that arrangement which had been proposed by his Majesty's ministers, and to the basis of which, the East-India Company had agreed. [Sir *Robert Peel:* Is the country to be answerable for the payment?] No part of the security for the payment of the proposed annuity was to be dependent upon the revenue of this country; it was to be totally independent of the finances of this country, and to be altogether secured upon the territorial revenue of India. The House would perceive, that the arrangement was, as he had stated at the outset, a compromise between the East-India Company and the Government of this country. He did not anticipate, that loss would accrue to any party from the arrangement. The Company professed to be possessed of considerable property. They stated their commercial assets at 19,000,000*l.* If that was the amount of their property in possession, and it was liable to no question or deduction in any of the items, there was no reason to apprehend any deficiency. The accounts of the Company, however, were of a most complicated and difficult nature, involved in considerable embarrassment, and any attempt to examine which would only lead to a protracted and unsatisfactory discussion. Under these circumstances a compromise had been thought to be the best and most satisfactory mode of arranging the matter; and to the basis of the compromise the East-India Company had agreed. Indeed he did not see that the Proprietors could have much reason to complain; for they would continue to receive the same amount of dividends that they now did, which was the amount they had received for the last forty years, and which it was proposed they should receive for forty years to come; and these dividends were secured on India itself, not upon the commerce of that country. On the other hand, it could not be said, that the territorial interests of India would suffer by the arrangement. He had a word or two to say respecting a distressed class of persons, the national creditors of India, who held the territorial debt of that country. They would be under no disadvantage from the arrangement. At present their title was liable to be questioned, but it was now proposed to recognise the validity of their security upon the territory of India. The proposed continuance of the political government of India in the hands of the Company would, he thought, be productive of good. It would be beneficial to all parties. He hoped the House would be of opinion that the arrangement which had been effected was such as that House could countenance as one advantageous to the country. It had been his opinion that it was of great importance to settle the question without exciting any angry feelings in the minds of the parties interested. The wishes and feelings of the East-India Company had been consulted as far as they could be, consistently with the paramount interests of the country, and he had found them prepared to make a sacrifice to the country. He thought it would be a wise proceeding on the part of that House to make concession the basis of their dealings with the parties interested, and he counselled the House to adopt that course. He hoped no measures would be taken which would excite irritation or just disappointment on either side. The only loss that India could suffer was trifling in amount; and that was no more than ought to be given for the advantages secured to her. He knew it had been said, that the Indian territory would not be sufficient to pay the proposed amount, and that the period might arrive when it would be found a severe burthen. The quarter from whence that observation had come had certainly surprised him. Nothing could be more unfounded than to anticipate that the great and rich territory of India would not be able to pay the interest of its national debt. What ground could there be for alarm? He was one who believed, that the commerce of India would receive a considerable extension. He believed that that country would be better able than it was now to sustain its burthens. He knew, that there had been a deficiency of the revenues of late years; but there was reason to believe, that such a deficiency would not occur again, but that before many years there would be a considerable surplus revenue. Was it in reason, he asked, to anticipate failure of the kind proposed to be apprehended from such a country as India? With a population of countless numbers, a sea-coast boundless in extent, rivers navigable to a greater height than almost any others in the world, a soil of unparalleled richness, and possessing resources not yet even discovered—with a fertility beyond compare, and a population, however varying in habits and manners, yet all capable of productive and profitable labour—was it a rational apprehension that a country such as this, which had been a magazine of wealth to every country and people to which it had belonged, would sink so low in power as to be unable to pay the just charges of its government? He would next refer to the evidence taken before the Finance Committee, on India, of which the Chairman was his late lamented friend, Mr. Hyde Villiers, who had been too early taken away, the loss of whom he seriously felt in the important work in which he had been engaged; and he believed, afflicting as that loss was to his friends, it might be still more deeply regretted by the country. From that Gentleman he had derived the greatest assistance, and the country much valuable service. From the evidence taken before that Committee, it appeared, that in 1828-29, the revenue of India amounted to about 22,000,000*l.* sterling. It also appeared that the debt of India was 40,000,000*l.*, which was only double the amount of one year's revenue of the country. There was surely nothing discouraging on the face of that statement as regarded the revenue and resources of India. He was aware that the Burmese war, which occurred in 1824, had been productive of considerable charges upon India. It had made an increase of 10,000,000*l.* to the military charges, and the civil charges were increased at the same time. In 1827, the Directors sent out orders to India that measures of reduction should be taken so as to reduce the expenditure to the standard of 1823-1824; and Lord William Bentinck had, in the course of two years, acted with such vigour in pursuance of those instructions, that in 1828-29 he had reduced the annual expenditure from 18,000,000*l.* to 16,000,000*l.* Thus in two years 2,000,000*l.* had been reduced in the expenditure. The same principle of reduction had been ever since in progress, and there was no doubt that in two or three years the expenditure of India would be reduced to the standard of 1823-24. It appeared from the evidence given before the Committee, that even during the period of the Burmese war in 1824, there was an increase of revenue, so much so, that there was 1,000,000*l.* surplus over and above the expenditure. How, then, could it be said, that that war rendered an increase in the revenue of India impossible? But it was contended that the expenses of that war had exhausted the country. When they spoke of an exhausted country, they meant, in common parlance, a country on which taxes had been imposed to a great amount to meet a heavy debt, and that no further resources for present exigences were available. In point of fact, however, though the debt of India had been increased, the taxes had not been increased. They were the same in amount as they were prior to that war, and the debt had been met in another way. He had, no doubt, that in a short time the revenue of India would rapidly increase. The right hon. Gentleman entered into some calculations to show, that such would be the case, and he especially contended, that it was likely to follow as one of the consequences of the plan now proposed by his Majesty's Government. He would take the revenues upon the average of the last three years of which the accounts were come to hand, 1827, 1828, and 1829; he would take the expenses of the same period, and comparing the revenue of those three years with all the charges upon it, as the elements of his calculation, without going into detail, he came to the conclusion that the surplus would be, in the year 1834, very nearly 198,000*l.* Allowing for any deficiency which might occur, he would take that surplus at 150,000*l.*, and say, that he believed, upon very good grounds, that such a result might be expected. Looking at that as the result of the first year's revenue after the change, he might certainly assume, that it would be at least as great in subsequent years. If he added to that the consideration that the prosperity of our Indian empire was likely to increase, augmenting the revenue while it was certain that a diminution of the charges must take place—if he added the effects which must ensue from the employment of steam facilitating communication, and from all the improvements which would undoubtedly take place in society, he felt quite confident in saying, that our Indian empire would be more than solvent, and more than able to meet all the demands upon it. These topics all entered into the Resolutions which he meant to propose to the Committee; and he had confined himself to the cessation of the exclusive trade to China, to the conditions under which it was proposed to place the Government in the hands of the East-India Company, and to the species of compromise he had described. It remained for him to describe some other points, which, though not in the Resolutions before the Committee, he proposed to introduce into the Bill he should have the honour to submit to the House. These were, indeed, measures which seemed essential to the good government of India; those measures embraced principles of great importance—principles not new to the House and the country—principles which had long attracted attention both in this country and India—principles too, which had been ably developed both here and there, and which were supported by the highest authorities both of India and of this country. There were some of these topics, such as the revenue and the military state of India, to which he would not advert, particularly the military state of India, because that was at present undergoing an investigation by the Governor General, and the report of the Governor General on that subject had not yet been received. First, with respect to the constitutional government of India—he was aware that he was trespassing for a long time on the House, but he would not further enlarge than was necessary to explain those points not embraced in the Resolutions he proposed. He wished, however, particularly to state the reasons for those changes which he meant to propose in the government. One alteration with respect to the frame of the government which he meant to bring forward was, that, instead of three presidencies, there should be four. At present the government of India was placed under three presidencies—Bengal, Madras, and Bombay. It was now felt that it was necessary to strengthen the hands of authority in India, and to do that they must consider the vast extent of our Indian empire, and particularly the extent of the government of Bengal, which possessed a jurisdiction over all the western provinces. Those provinces had been recently acquired, and being situated in the neighbourhood of a warlike people, and the inhabitants not yet being habituated to our rule, required a vigilant and a strong authority. It was therefore felt that there should be a separation of the government of Bengal, and a separate governor appointed for the western provinces. That point had been urged in several of the papers which had already been laid on the Table of the House; and it was distinctly stated, that it was impossible to do justice to the public service, unless a separate presidency were established for the western provinces, and a separate government. On those general grounds he meant to propose to establish four presidencies in India. It was also felt by many persons that the Governor General should not be called upon to exercise the functions of a particular government; he did not decide that question; he only stated it as a matter for consideration, whether the Governor General should also be governor of Bengal, or, consistently with his name, should be only Governor General, while another governor was appointed for Bengal. Looking to the present state of the government, and to what was wanted to give the Governor General a sufficient authority, it appeared that the government was not duly organised, and it was evidently necessary that the Governor General should have more control than at present over all the subordinate officers. He ought to have a stronger control over all the law and civil officers than he now had. In his opinion, the Governor General, legally, had that power now, and no regulations whatever could be issued without his authority; but, practically, that power was not exercised; and, in the case of the government of Madras, out of respect to the great talents of Sir Thomas Monroe, it was expressly given up. In consequence, such a power not being practically possessed by the Governor General, there was a want of unity in the proceedings, and there frequently arose differences between the Governor General and the subordinate governors. The power of the Governor General ought also to be increased in respect to controlling the expenditure. It was remarked that there was a great carelessness about the expenditure in the subordinate officers, because they were not controlled by the Governor General, who was not informed of any expenditure till after it had been incurred, and when it was too late to prevent it. He meant therefore to propose, that none of the subordinate officers should incur any expense, till after it had been sanctioned by the Governor General. It was generally felt, that in this, as in many other respects, the subordinate governments were more independent of the Governor General than was consistent with the recognised principles of good government. It was therefore further proposed to reduce the establishment at each of the presidencies, either by reducing the number of the council, or by depriving the president altogether of the assistance of the council. Those were the alterations he proposed in the frame of the government. He would not enter into minute details of these matters; but the defects which arose from the present imperfections in the frame of the government might be stated as particularly three. The first was in the nature of the laws and regulations by which India was governed; the second was in the ill-defined authority and power from which these various laws and regulations emanated; and the third was the anomalous, and sometimes conflicting, judicatures by which the laws were administered, or in other words the defects were in the laws themselves, in the authority for making them, and in the manner of executing them. First, with respect to the nature of the laws, it was the opinion of individuals the most respectable for their talents, and who were the best qualified to judge, that they were very imperfect, indeed so imperfect, that in many cases it was quite impossible to ascertain what the law was. But he begged to say, that he should on this point rather refer to the authority of distinguished men, as better adapted to satisfy the House, than confine himself to his own assertions. One of the most respectable authorities on the nature of these laws, the Judges of the Supreme Court, expressed themselves thus: 'In this state of circumstances, no 'one can pronounce an opinion or form a 'judgment, however sound, upon any disputed right of persons, respecting which 'doubt and confusion may not be raised 'by those who may choose to call it in 'question; for very few of the public, or 'persons in office at home, not even the 'law officers, can be expected to have so 'comprehensive and clear a view of the 'present Indian system, as to know readily 'and familiarly the bearings of each part 'of it on the rest. There are English Acts 'of Parliament specially provided for 'India, and others of which it is doubtful 'whether they apply to India wholly, or in 'part, or not at all. There is the English 'common law and constitution, of which 'the application, in many respects, is still 'more obscure and perplexed; Mahomedan law and usage; Hindoo law, usage, 'and Scripture; charters and letters 'patent of the Crown; regulations of the 'Governments, some made declaredly 'under Acts of Parliament particularly 'authorising them, and others, which are 'founded, as some say, on the general 'powers of Government intrusted to the 'Company by Parliament, and, as others 'assert, on their rights as successors of 'the old native government; some regulations require registry in a Supreme 'Court; others do not; some have effect 'generally throughout India; others are 'peculiar to one presidency, or one town. 'There are Commissions of the Governments, and circular orders from the 'Nizamut Adawlut, and from the Dewanny 'Adawlut; treaties of the Crown; treaties 'of the Indian governments; besides inference drawn at pleasure from the application of the *droit public* and the law of 'nations of Europe, to a state of circumstances which will justify almost any 'construction of it, or qualification of its 'force.' That extract must satisfy the House, that the state of the law in India called loudly for a remedy. To come to the question of the judicature—it was one of the anomalies of this system, that the Supreme Court, which was established expressly for the protection of the natives, was only called into activity where there were few natives—namely, at the presidencies. He would first advert to the state of the Supreme Court in relation to the whole judicial system; and first he would say, that the evils arising from the undefined extent of the jurisdiction of this Court were such as required attention from Parliament on this occasion. The jurisdiction of this Court, as it was at present constituted, embraced persons 800 or 1,000 miles distant from it, who might hear of the court for the first time on being summoned to Calcutta, and might then learn for the first time that they were within its jurisdiction. The natives who were thus exposed to its jurisdiction suffered great inconveniences. It actually spread consternation amongst them by exposing them to most expensive litigation far from their resources. He would on this point read to the House the opinion of Sir Charles Metcalfe, which was contained in the valuable documents already on the Table of the House. He was one of the most distinguished servants of the Government, and a man of the greatest authority—a most enlightened and liberal man, and peculiarly well acquainted with that subject, on which he gave a most just and honest opinion. The right hon. Gentleman read the following extract from a Minute by Sir Charles Metcalfe, dated February 19, 1829:—'The only 'objection that strikes me to the spread 'of a British Christian population in India 'is the existing discordance of the laws 'by which our English and our native 'subjects are respectively governed. This 'objection will, no doubt, in time be removed, and the sooner the better, by 'framing laws equally binding on both 'parties in all concerns common to both, 'and leaving to all their own suitable laws 'in whatever peculiarly concerns themselves alone. The present system of 'judicature in India, by which the King's 'Court is rendered entirely separate from 'the local administration and institutions, 'and often practically subversive of their 'power and influence, is fraught with 'mischief; and that part of the system 'which makes our native subjects, under 'some circumstances, liable to the jurisdiction of the King's Court; under some 'to that of the Company's Court; and 'under some to that of both, without regard to residence, or any clearly defined 'limitations by which our native subjects 'can know to what laws or courts they are 'or are not amenable, is replete with gross 'injustice and oppression, and is an evil 'loudly demanding a remedy, which can 'only be found in a strict local limitation 'of the powers of his Majesty's Court 'with regard to the persons and property 'of native subjects, or in an amalgamation 'of the King's Courts with the local judicial institutions, under a code of laws 'fitted for local purposes, and calculated 'to bestow real and equal justice on all 'classes of subjects under British dominion in India.' If the House would allow him he would also state the opinion of a very high legal authority—the opinion of a gentleman who had been Advocate General—the opinion of Sir Edward Ryan—who was at present Chief Justice at Calcutta. That Judge said distinctly, in a minute, dated October 2, 1829: 'The 'great extension of the British territories 'since the Charter of 1774, has given to 'the court a range of jurisdiction which 'at places remote from Calcutta, can only 'be considered a mockery of justice, if it 'be not the means of fraud and oppression. There can be no doubt, therefore, 'that difficulties and inconveniences are 'constantly arising from the undefined and 'uncertain state of the court's jurisdiction, which are alike perplexing and 'harassing to the suitors, the Judges, and 'all who are concerned in the administration of justice.' He would also quote to the House the opinion of Sir Charles Grey, who had filled the office of Chief Justice, and had recently returned from India, expressed in a Minute, dated October 2, 1820, and whose sentiments on another point were of peculiar importance. Sir Charles Grey said: 'It may be 'doubted whether the present state of 'things, which I believe to be unexampled 'in the history of the world, can last 'much longer. Throughout the greater 'part of India there are to be found some 'individuals at least of four distinct 'classes, each of which is supposed to live 'under a distinct system of law, and to 'have different rights and different duties, 'but none of them accurately defined. 'There are persons born in the British 'islands, Hindoos, Mahometans, Asiatic 'Christians; and, besides all these, there 'are in many parts foreigners and subjects of Great Britain, who have been 'born neither in the British islands nor in 'India, as to whom, I believe, there is no 'one who, consistently with usage, can 'say, with any just confidence, what law 'it is which applies to them. Hitherto it 'has been possible to make shift; but as 'the native Christians, British and Colonial persons, and foreigners, shall increase in numbers and pervade India—'a result which must gradually take place '—matters may be brought to such a pass 'as would scarcely be tolerable.' He considered this authority of great importance as to the last point mentioned—that of the admission of Europeans into India, to which it led him then to speak. Under the influence of severe regulations, slowly and tardily relaxed, the number of Europeans in India had increased; and he proposed to increase the facilities for Europeans to settle in India. If he were asked whence arose the necessity for this change in the system under which British supremacy had grown up and been supported, he must advert to the singular change which had of late years taken place in the character of Indian society. There was nothing so remarkable in the history of India as the change which had of late years taken place in the dispositions and feelings of the natives, more particularly within the last fifteen years. The natives had become attached to European sciences and arts—they had learnt our language—they used our luxuries—and were making great strides towards adopting many of our habits. He would quote some admirable remarks made by Lord William Bentinck in a Minute drawn up on May 30, 1829. The right hon. Gentleman read the following extract:—'Recent 'events, and the occurrences now passing 'under our eyes, still more clearly justify 'the persuasion, that whatever change 'would be beneficial for our native subjects we may hope to see adopted, in 'part at least, at no distant period, if adequate means and motives be presented. 'I need scarcely mention the increasing 'demand which almost all who possess 'the means, evince for various articles of 'convenience and luxury purely European. 'It is in many cases very remarkable. 'Even in the celebration of their most 'sacred festivals, a great change is said to 'be perceptible in Calcutta. Much of 'what used, in old times, to be distributed 'among beggars and Brahmins, is now, 'in many instances, devoted to the ostentatious entertainment of Europeans; and 'generally the amount expended in useless alms is stated to have been greatly 'curtailed. The complete and cordial 'co-operation of the native gentry in pro-

'moting education and in furthering other 'objects of public utility; the astonishing 'progress which a large body of Hindoo 'youth has made in the acquisition of the 'English language, literature, and science; the degree in which they have 'conquered prejudices that might otherwise have been deemed the most inveterate (the students in the medical 'class of the Hindoo College under Dr. 'Tytler, as well as in the medical native 'school under Dr. Breton, in which there 'are pupils of the highest castes, are said 'to dissect animals, and freely to handle 'the bones of a human skeleton); the 'freedom and the talent with which, in 'many of the essays we lately had exhibited to us, old customs are discussed; 'the anxiety evinced at Delhi, and at 'Agra, and elsewhere, for the means of 'instruction in the English language; the 'readiness everywhere shown to profit by 'such means of instruction as we have 'afforded; the facility with which the 'natives have adapted themselves to new 'rules and institutions; the extent to 'which they have entered into new speculations after the example of our countrymen; the spirit with which many are 'said to be now prosecuting that branch 'of manufacture (indigo) which has alone 'as yet been fully opened to British enterprise; the mutual confidence which 'Europeans and natives evince in their 'transactions as merchants and bankers; 'these, and other circumstances, leave in 'my mind no doubt that our native subjects would profit largely by a more 'general intercourse with intelligent and 'respectable Europeans, and would 'promptly recognise the advantage of it.' Such were the words of Lord William Bentinck. Another circumstance that was worthy of notice was the change which had taken place in the sentiments of the servants of the company in respect to admitting Europeans to settle in India. Some few years ago it was impossible to find one of them who was not averse from admitting Europeans into India. Now there was scarcely one of the civil servants of the Company who did not desire to see Europeans go to India. If there were some exceptions, those gentlemen did not object to it altogether, but they required that it should not be allowed except under certain restrictions. Thus Mr. Elphinstone said, that, if the Government were strong, they could not give too much facility to Europeans to settle in India. This was a remarkable opinion, because Mr. Elphinstone was a man who was sensibly alive to the dangers arising from unrestricted intercourse. He would, with the permission of the House, read another passage from a letter of the Governor General in council, dated January 1st: 'Satisfied as we are that the best interests 'of England and India will be promoted 'by the free admission to the latter of 'European industry and enterprise, our 'persuasion is scarcely less strong, that 'with every possible encouragement the 'settlement of our countrymen in this 'country will be far short of the number 'which is to be desired, whether regard 'be had to the extension of commerce 'and agriculture, to the good order of the 'country, to the prompt, cheap, and equal 'administration of good law, to the improvement of the people in knowledge 'and morals, or to the strength and security of our power.' He would on this topic again recur to the authority of Sir Charles Metcalfe, who said, in a Minute dated February 19, 1829:—'I have long 'lamented that our countrymen in India 'are excluded from the possession of land 'and other ordinary rights of peaceable 'subjects. I believe that the existence of 'these restrictions impedes the prosperity 'of our Indian Empire, and, of course, 'that their removal would tend to promote it. I am also of opinion, that their 'abolition is necessary for that progressive increase of revenue, without which 'our income cannot keep pace with the 'continually increasing expense of our 'establishment. I am further convinced 'that our possession of India must always 'be precarious, unless we take root by 'having an influential portion of the population attached to our Government by 'common interests and sympathies. Every 'measure, therefore, which is calculated to 'facilitate the settlement of our countrymen in India, and to remove the obstructions by which it is impeded, must, 'I conceive, conduce to the stability of 'our rule, and to the welfare of the people subject to our dominion.' Another authority of considerable weight on this point was that of Mr. Bailey, who had been long in India, and had now returned to this country, and whose opinion on this point, was entitled to great respect, because he was one of those gentlemen who saw the necessity of placing some restrictions on the admission of Europeans into India. Mr. Bailey thought that before Europeans could be freely admitted into India, it would be necessary that the present state of the laws should be altered, and that Europeans should be placed under the control of proper laws. Mr. Bailey said: 'Whenever the British Legislature shall 'see fit to declare that all persons, 'Europeans or natives, residing in the 'interior of our provinces in India shall 'be subjected to the same regulations, 'and to the same local tribunals, civil and 'criminal, and shall, by the delegation of 'sufficient powers for that purpose, enable 'the British Government in India to 'modify and improve our judicial institu'tions to the extent which may from time 'to time be found necessary, from that 'moment the unrestricted admission of 'European British subjects, and the free 'permission to acquire and hold landed 'property on an equal footing with the 'natives of India, may be conceded, not 'only without inconvenience, but with 'most important benefits to India, as well 'as to Great Britain.' He would also refer to the authority of a gentleman who had been a Member of the House, and whose name was of great weight in Indian affairs; he meant Mr. Holt Mackenzie, for whose talents and liberal sentiments he entertained the highest respect. That Gentleman had also delivered opinions similar to those of Mr. Bailey, and stated, that he thought that a judicial system should be adopted which would be equally applicable to the Europeans and the natives. Till there was an identity of the judicial systems, it would be scarcely practical to give full facility to the admission of Europeans into the country. It was only by an identification of the system of judicature, which should place both Europeans and natives under the same laws and institutions, that an unrestricted influx of Europeans could be allowed. On this subject he would further quote another authority. Sir Edward Ryan said, on October 2d, 1829: 'To leave the European 'owner or occupier of lands, or the manu'facturer, at great distances from Cal'cutta, amenable only to the jurisdiction 'of the Supreme Court, or subject only 'to the Mofussil Courts, with the limited 'powers which they at present possess, 'would tend to such a system of fraud and 'injustice, and leave the natives so en'tirely at the mercy of the settlers, that I 'think it would be an insuperable obstacle 'to the allowing of Europeans to settle in 'the interior. I am, therefore, satisfied 'that all persons in the interior of the 'country must be subject to the Courts of 'the district which they inhabit.' All authorities, then, were in favour of admitting Europeans, provided they were subject to the same laws and institutions and were placed on the same footing as the natives. With authorities to overlook Europeans, they might freely enter the country. It was equally just in principle, and warranted by practice, that the system of judicature should place the natives and Europeans on the same footing; and unless they were placed on the same footing, it would not be possible to allow Europeans free access to India. In the mean time, he trusted that the Legislature would arm the Government in India with power to make such regulations for the control of the natives and Europeans as would have the effect of gradually approximating the two people, and the laws of the two countries, and pave the way for ultimate assimilation; and having done this, he proposed immediately to relax the restrictions upon the intercourse of British subjects with India. The principle which he thought indispensable to lay down was, that no European should enter India but upon the express condition of being subject to the local laws and regulations. That was the only means by which a perfect intercourse could be obtained; and though that desirable object could not be accomplished at present, yet he thought a much freer intercourse might be admitted with the natives than hitherto, when the evils of the present system were checked by wholesome regulations. For this purpose he proposed to strengthen the legislative power of the Governor General and Council. At present the Council consisted of three Councillors, besides the Commander-in-chief; to these he proposed to add two others; and it was also contemplated, but not decided, to add to the Council one or two persons—either Barristers of high standing, or Judges who had retired from office, and who would bring the light of their knowledge to assist in carrying into effect these important alterations in the law. Of course no Judge holding office would be made a Councillor. The great object to which reference had been made, of amalgamating the King's Courts and the Company's

Courts, could not, of course, be immediately carried into effect; but he thought it most essential to provide without delay against the deep mischief which had been described in the papers he read as springing from the excessive jurisdiction of the Supreme Courts. He proposed, therefore, to give to the Governor General in Council, considerable power, and to enable him by his regulations in some measure to restrict the powers of the Supreme Courts. This was certainly intrusting great power in the hands of the Governor General, but the urgency of the case demanded such a proposition, and on this ground he submitted it. With regard to the admission of Europeans into India, he proposed that all Europeans should be at liberty to go to that country on the condition of recording their names with the municipal authorities of the port or presidency where they should land, and submitting themselves to the same regulations with native subjects; and on so doing, they should be permitted to proceed from that port or presidency, into any of the old settled provinces, without a licence from the Company; but where the provinces were newly settled, and where the character of the English was less known, then it would be prudent, for the present, to restrict the right of settlement to those persons who should obtain the Company's licence. Whatever might be the immediate regulations of the Governor-General, he thought the House would agree with him, that ultimately it should be laid down as an inflexible rule, that no European should enter into that country, unless on the condition of being placed under the same laws and tribunals as the natives. Without such a rule, he insisted it was impossible to obtain that complete identification of interest and feeling which was of paramount importance. With regard to the power of the British to hold land, and the restrictions which formerly existed, these were practically nearly all removed; and, in point of fact, the principle was fully admitted. Mr. Edmonstone stated in his evidence, in 1832: 'In fact, 'the question with regard to the admis- 'sion of Europeans as landlords seems to 'be already decided, the local govern- 'ment having, without previous reference 'to the authorities at home, come to a 'resolution to allow Europeans to hold 'leases of 60 years' duration; that 'arrangement has been confirmed by the 'authorities at home, with the limita- 'tion of the leases to 21 years instead 'of 60. In fact, it seems to me that 'the subject is no longer open to de- 'cision; the momentous question of admit- 'ting Europeans to establish themselves as 'landlords in the interior of the country 'is disposed of by that Resolution, and 'the limited confirmation of it, to which I 'was entirely adverse.' In Bengal, indeed, there were some restrictions which, no doubt, were most benevolently intended, but which, on the whole, he thought, tended to defeat their object. Such restrictions, of course, it would be prudent to remove. It was right to state, that all capital cases were to be considered as exceptions to the general rule he had before stated; and that Europeans charged with capital crimes would be tried by the Supreme Court. Trivial as some of these circumstances might appear, he considered the change very important. India was no longer shut to the Englishman who could not procure a licence—he might proceed there without application to the Company; nor need he fear being compelled to leave the country because his licence was withdrawn. He was under a government arbitrary if they pleased—despotic if they pleased; but still it was a government of laws—laws which he knew, and which, if he obeyed, he had nothing to fear. But this he had adopted for a maxim, that no persons should go to India but in connexion with the interests of the natives, nay, in subserviency to their interests, for he looked upon a regard to the interests of the natives as their first duty, and as of the first importance. In this opinion he was confirmed by the opinion of Sir Charles Grey, who said: 'If the provinces are to 'be opened to British settlers, let it be 'universally understood so, that no doubt 'may remain, nor any ground for subse- 'quent reproach that they go to live under 'a despotic and imperfect, but strong 'government; that they carry with them 'no rights but such as are possessed there 'by the natives themselves; and that it is 'impossible at present to give them either 'that security and easy enjoyment of 'landed property, or those ready remedies 'for private wrongs, which more regularly 'constituted governments afford. A 'tolerable system of criminal judicature, 'we believe, might even at present be 'established throughout the greater part 'of India.' With respect to the natives of India, he proposed to introduce in the Bills to be brought before Parliament a clause to put an end to all disabilities on the part of the natives of our Indian dominions to hold office or employment on account of their birth or religion. With respect to slavery in India, there was a wide difference between slavery which existed in that country and in the West Indies. Slavery in India was not very oppressive, with the exception of Malabar, where much cruelty was practised. In India it formed a part of the general institution of castes—it was connected with the religion of the natives, and, consequently, required very cautious treatment. He should propose, however, to form a Commission for the purpose of considering the best mode of disposing of the whole system. Although the approximation of the laws in India, to which he eventually looked forward, could not be immediately carried into execution, yet he thought they ought not to lose any time in instituting the inquiries necessary to prepare the way to this desirable consummation. He proposed to issue a commission to inquire how far it was possible to approach to a more uniform system — how far it was possible to blend the King's Courts and those of the Company, and to amalgamate all systems for if this were not possible, the sooner the idea was given up the better. The Commission he proposed should be issued by the Governor General, and be composed of persons well skilled in the administration of Indian justice, and of one or two persons from this country, but who should receive their appointment from the local Government. He also proposed to call the attention of the House to the state of the ecclesiastical Establishment in India. His propositions would, he believed, be essential to the improvement of that establishment; they would not, however, embrace any expensive or extravagant improvements; but they merely sought to remedy existing evils, and to correct the actual mischiefs of the system. Amongst other things, he proposed to rescue the Bishop of Calcutta from the whole ecclesiastical burthen of India, and to appoint, as Suffragan Bishops, the Archdeacons of Madras and Bombay. He should not dwell further on this plan, but, trusting the general result would be advantageous to this country as well as to India, he would conclude by an extract from a letter of that eminent and excellent Divine, Bishop Heber, who, addressing a letter, dated 5th April, 1825, to the Governor-General, expressed himself in the following manner:—'I, lastly, 'beg leave to offer my congratulations to 'your Lordship in Council on the internal peace, and the appearance of general prosperity and content; which, notwithstanding a protracted drought and 'other unfavourable circumstances, have 'attracted my attention in every part of 'the hon. Company's territories which I 'have visited. It is my earnest prayer to 'that good Providence who has already 'made the mild, and just, and stable government of British functionaries productive of so much advantage to Hindoostan, that he would preserve and 'prosper an influence which has been hitherto so well employed; that he would 'eventually make our nation the dispenser 'of still greater blessings to our Asiatic 'brethren; and in his own good time, and 'by such gentle and peaceable means as 'only are well-pleasing in his sight, unite 'to us in a community of faith, of morals, 'of science, and political institutions, the 'brave, the mild, the civilised, and highly 'intelligent race, who only in the above 'respects can be said to fall short of Britons.' — The right hon. Gentleman concluded by moving the following Resolutions:—

1. "That it is expedient that all his Majesty's subjects shall be at liberty to repair to the ports of the empire of China, and to trade in tea and in all other productions of the said empire; subject to such regulations as Parliament shall enact for the protection of the commercial and political interests of this country.

2. "That it is expedient that, in case the East-India Company shall transfer to the Crown, on behalf of the Indian territory, all assets and claims of every description belonging to the said Company, the Crown, on behalf of the Indian territory, shall take on itself all the obligations of the said Company, of whatever description, and that the said Company shall receive from the revenues of the said territory such a sum, and paid in such a manner, and under such regulations, as Parliament shall enact.

3. "That it is expedient that the Government of the British possessions in India be intrusted to the said Company, under such conditions and regulations as Parliament shall enact, for the purpose

of extending the commerce of this country, and of securing the good government and promoting the moral and religious improvement of the people of India."

Mr. *Wynn* said, the subject which the right hon. Gentleman had brought before the Committee was, in his opinion, of greater importance than any question, not even excepting that relating to the West Indies, which had been brought under the consideration of the House, during the present Session. Upon the manner in which it was treated would essentially depend the future condition of 90,000,000 of our fellow-creatures. It was with great pleasure that he had heard, towards the conclusion of the right hon. Gentleman's speech, a declaration which he wished had been made the subject of a distinct and substantive resolution, to occupy the first place in their proceedings—namely, "That all natives of India, without regard to their colour, descent, or religion, should be eligible to every office under the Government, which their education and acquirements might qualify them to fill." When he looked to the magnitude of the question, he could not help regretting, that it had been deferred to this late period of the Session. If the other measures which Government had brought before the House were to be proceeded with, this, he was sure, could not possibly receive that degree of attention which was necessary. He could not urge unnecessary delay, but even delay was preferable to a hurried and imperfect consideration, when the minds of all the Members must be distracted by the variety of other important subjects now before them. To the first Resolution he had not the slightest objection. For the time was come when the trade with China must be opened to the enterprise of the people of this country generally. Indeed, he had supported Mr. Canning in 1813, in objecting to tie up the China trade for so long a period as twenty years. It was thought, that it might be necessary to reconsider the question within a much shorter period, and events had justified that opinion, for there could be no doubt if Mr. Canning's motion for continuing the exclusive trade with China, for ten years only, instead of twenty, had been agreed to, the trade would have been thrown open long before this. The transactions of the last twenty years must have convinced every impartial observer, that it would have been desirable for Parliament to have had an opportunity of revising the terms of the charter at an earlier period. There were many like himself who remembered the chief points which were insisted upon at the time of granting the present charter by almost every man connected with Indian affairs. It was said, that the resort of Europeans to India, could not be permitted, except under the severest restrictions; yet now several years had elapsed since the policy of removing those restrictions had been established. A still stronger opinion prevailed as to the danger of allowing missionaries to proceed to India. There was scarcely an individual connected with India, who did not prophesy the most dismal consequences from that measure; but what had been the result? During twenty years, not a single instance of inconvenience, resulting from even the inconsiderate zeal of a missionary, had come to light. It was also asserted, that all those who might embark in the private trade would be ruined, and the idea of competing with the power of the Company was treated as the dream of a visionary. What had been the result? Before one-half of the period for which the Charter was granted had elapsed—before the expiration of ten years—the trade of the Company had almost wholly passed into the hands of private traders. It was likewise repeatedly asserted, that it was idle to expect any alteration in the habits of the natives — any increased demand for European articles; their wants and habits had, it was said, remained the same from the days of Alexander, and were likely so to continue to the end of time, fixed and immutable. The right hon. Gentleman had now communicated to the House the real result, and had, on the authority of Lord William Bentinck, drawn a glowing picture of the progress of civilization, refinement, and education, among the natives, in direct contradiction to all former expectation. What was the consequence to be deduced from the failure of all these predictions? It was this, that if upon these points the greatest misrepresentations prevailed twenty years ago, amongst men who had the best opportunity of forming a correct judgment, they ought to reserve to themselves an opportunity of revising the plan which they were called upon to adopt, at a much earlier period than the right hon. Gentleman proposed. Before proceeding, as the correspondence before the House referred to intended changes in the constitution of the Court of Directors, which had not been explained, he wished particularly to be informed what alteration the right hon. Gentleman proposed to make in the number of the Directors; and, in the next place, what qualification he proposed to demand? That was to say, whether he meant that the qualification should, as at present, merely consist in possessing a certain amount of East-India Stock, or whether it should require a residence for a certain period in India, by which a knowledge of the affairs of that empire, and of the Government of that country, might be obtained? [Mr. *Charles Grant* was at present not able to state.] That point appeared to him one of the most material parts of the plans. The power to be conferred upon the Court of Directors would depend upon the description of persons—whether their number were greater or less than now—to be appointed—that was to say, whether they should be required to possess as a requisite qualification, an intimate knowledge with the affairs of India or not. He meant not to make any reflections upon individuals; but he well remembered, that during the time he had the honour to be officially connected with the Board of Control, out of seven gentlemen with whom he had to communicate successively as Chairmen of the Court of Directors, four had never been in India, and only one had resided there. When trade formed the most material part of the functions of the Court of Directors, and when the China trade was in their exclusive management, to which they chiefly looked for the amount of their dividends, there might be reasons for choosing London merchants, though unconnected with India, for the care of the shipping, and other interests: then, it might not be so absolutely essential that an intimate knowledge of India should be possessed by them; but as they would henceforth have only political functions to perform, he considered such a qualification indispensable. His right hon. friend had tried to establish an analogy between our relations with the British colonies in the West-Indies, and our relations with the East-Indian empire, and to draw a comparison between the management of the two; but it appeared to him, that no analogy whatever existed. The East-Indian empire was not a colony. The nature of a colony was that of a population originating from the emigration and settlement of the natives of the mother country; but that was not the case with India. India was a mighty empire, the government of which had, by the course of events, devolved upon this country, and we sent out individuals as rulers, who had no other connexion with the people of that vast continent than what arose from the relation of governors and governed. It was, therefore, totally distinct from a colony. His right hon. friend had dwelt upon the great merits of the government of the Court of Directors, and upon the important share which that Court had had in the government of India. He admitted, that the Directors had, in many instances, been highly useful in bringing forward questions; but, at the same time, it should be borne in mind that the decision upon all those questions had been vested in the Board of Control. In that Board, for the last fifty years, the real and effective government of India had resided. The Court of Directors only acted as a council, which could, indeed, suggest measures, but in no instance, enforce the adoption of them. The question with him, therefore, was, whether the Court of Directors, chosen as at present, presented the probability of affording abler assistance, and giving better counsel in the government of India, than it would do, were its members appointed in a different manner? He should like the number of them to be reduced; the period for which they were appointed to be limited, as at present; their qualifications for such appointment altered, and the mode of appointing them altogether changed. Let the number be six or eight; let them hold the appointment as at present, four years; let their qualification be twelve years' residence in India; and let them be nominated by the Crown, with a capacity to be immediately re-appointed at the expiration of four years—two going out every year. By the present system, the appointment was practically for life; and whether a Director administered the duties of his office ably or not, he retained the appointment; there being hardly an instance of any individual having been removed, whatever his age or infirmities, which was a great inconvenience. At one time, it was stated by one of the members of the Committee of Correspondence, on which all the important political functions of the East-India Company rest, that he had cast up the different ages of the individuals then composing that Committee, and that the average age of the eleven members was between sixty-eight and sixty-nine years. He knew that some persons retained to a great age the clearest faculties, and a power to discharge their public duties with the greatest ability. His right hon. friend could easily quote the example of the late Mr. Charles Grant, his father, retaining, after the age of four-score years, the clearness of his faculties to such a degree, that at that age, he was upon the point of being re-elected to the chair of the East-India Company. But such were exceptions—the rule was the other way. He felt strong objections to the present mode in which the Directors were elected by that numerous body called the East-India proprietors. The system of nomination by the Directors themselves was open to objection; for while it afforded opportunities to persons to obtain the favour of the Directors, and secure their election, without any regard to their fitness for the office, it did not give the slightest chance to any respectable individual, however qualified, to get elected, unless supported by particular interests. What might now be the case he knew not, but it used to be the case, that the union of the two principal houses of agency, if supported by the Chairman and Deputy-Chairman for the time being—could ensure the election of any candidate for the direction, without any reference to his abilities or knowledge. That had always been his chief objection to the present mode of nomination. But there was another ground of objection—namely, the necessity of a canvass. He had known several instances of individuals who might have been most useful members of the Court, whose general fitness was acknowledged, and who said, they should be glad to accept the office, but who shrunk from the labour and humiliation of an extensive personal canvass. He admitted, that some distinguished individuals had not been required to canvass; but these cases were exceptions. His belief, then, was, that, generally speaking, if the choice were limited to persons who had resided for twelve years in India, that it would be a better mode of nomination to rest it upon the responsibility of the Government, than upon so variable a body as the East-India proprietors. But his right hon. friend had urged as one reason for the continuance of the present system, that none could be devised for governing India, without vesting that patronage in the Ministers of the Crown. His right hon. friend must know, that there had been many plans suggested for the better application of that patronage. He would not pretend to enumerate all the various suggestions that had been at different times made, or which might be made, upon the subject; but, he trusted, at all events, Parliament would, in this Bill, insist upon a certain number of civil appointments being allotted to open competition at the different Universities, as proposed by Lord Grenville in 1813, and since successfully carried into execution. But as that would not be sufficient to provide for the disposal of the whole number of civil appointments, he would suggest, that a certain portion of patronage should also be allotted to the local authorities in India, to the Governor General, the subordinate governors, and the members of the different Councils there. He attached great importance to such an arrangement; because it was highly desirable to secure a succession of civil appointments in particular families, whose names were become familiar to the natives of India, by a number of those families having been long employed in local offices of trust and responsibility. From the information he had received, he was induced to believe that great benefit had been derived from the appointment of particular individuals to particular districts in that empire, in which their fathers were held in respect by the people; but, besides that benefit arising from such a practice, it was a natural and legitimate manner of rewarding those who had discharged important functions in that country. A certain portion of patronage might remain, as at present, with the Government; a certain other portion should be vested in those individuals whom he would substitute for the present Court of Directors; and he would also allot a number of military nominations, in rotation, to the commanding officer of each regiment in the service of the East-India Company; to be given to the sons of meritorious officers, either serving, or who had served, in India. That would obviate any danger which could be apprehended with respect to the application of patronage or influence in the army. In the years 1783 and 1784, at the time of the discussion of Mr. Fox's India Bill, a well-grounded jealousy was entertained of the increase of the influence of the Crown, by a transfer of the patronage of India; but at that time the patronage of the Court of Directors extended not only to the appointment of young men as writers and cadets, but persons mature in life, were sent out with directions that they should immediately fill important and lucrative situations in India. Rules had since been established by Parliament limiting the age of writers and cadets to twenty-two, and their selection for subsequent employment was left to the local authorities in India, under certain regulations for their succession by seniority; and there had scarcely been an instance during the last twenty years in which any interference had taken place on the part of the home authorities with the exercise of patronage in India. Some few commercial situations had been filled by the Court of Directors; but, generally speaking, at present the only patronage the Court possessed, was the appointment of cadets for the military, and writers for the civil service; and the higher appointments of the Members of the Councils; for, practically, though not formally, the choice of the Governor-General, and other Governors, rested with the Crown; but even this remaining portion of patronage should be taken from the hands of persons who were under no responsibility for the proper exercise of their functions. The absence of responsibility to public opinion, which was the surest incentive to a due exercise of power, was indeed the vice of the whole system. Suppose, for the sake of argument, that the proprietors, instead of being influenced by solicitation, by the claims of private friendship, or of future patronage for their families, were disposed to elect only the fittest persons into the Direction, they had no opportunity of judging what the past conduct of individual Directors had been; they could only know what had been the conduct of the India Board, and of the Court of Directors acting together; and, even if they knew how to apportion the measures between these two distinct authorities, they could not learn how the majority of the Court of Directors had been constituted. If, on the other hand, they were, as I now propose, reduced in number, and nominated by the Crown, the responsibility, by being less subdivided, would become more real; nor could the Minister, who would be responsible for their proper selection, maintain in office any one who, from age or other causes, had become notoriously incompetent. The next reason which his right hon. friend stated for continuing the present system of electing the Court of Directors was, that it prevented any inconvenience by the vicissitudes in the English Ministries. But he knew not why those vicissitudes should apply more forcibly as an objection to a Court of Directors holding offices for four years, renewable by the Crown, than to the present system. The same object would be attained by any proposed mode of appointment—that of securing a sufficient number of functionaries, who would not be likely to be influenced by any change of politics in this country. He agreed entirely with his right hon. friend respecting the difficulties arising from the union of the two distinct functions of trade and government in the same hands. But it appeared almost as absurd, that those who were to administer the government of that country should be elected by individuals qualified merely by the possession of a certain amount of East-India stock; and it was still more absurd, that the only qualification required in order to hold the office of a Director of the East-India Company should be of a similar nature. An individual, by expending a certain sum of money, might acquire the capability of being appointed to that office, whether he possessed any other qualification for the performance of its duties or not. He wished scarcely to touch upon many of the other important subjects connected with this question at the present moment, particularly the bargain which had been concluded between the Government and the Company, which there would be other opportunities for discussing. His right hon. friend was not mistaken in his view of the ultimate capability of our Indian empire to meet the claims which would be made upon it. But he could not be quite so sanguine as his right hon. friend appeared to be as to its immediate means, when there was an actual deficiency of revenue in time of peace, after the very extensive reductions which had been made—reductions which, though he felt the greatest possible confidence in the wisdom of Lord William Bentinck, he could not believe would be permanent; at least, they had been carried to the utmost extent. There was no use in shutting their eyes to the truth: so extensive an empire must ever be exposed to insurrections which might demand the employment of all our force. When the establishment was twenty-three European officers to each regiment, it frequently happened, that the actual strength upon service did not exceed seven or five; and he therefore feared, that now, when the establishment was reduced to twenty, that this deficiency would be still more inconveniently felt; and that, in the event of a war, an increase would be required, which would add considerably to the expense of the Government, beyond what would be incurred by the retention of a greater number during peace. In the same manner, he could not see, without apprehension, the extensive reduction of the irregular corps which always appeared to him to be highly valuable, not only as forming an addition to our military strength, and as relieving the regulars from many fatiguing duties, but also as affording a safe occupation to men of ability and rank, who, if not thus employed, might occupy themselves in disturbing the Government. If they had not military employment under the Government, they might seek it elsewhere. He could not, therefore, but feel an apprehension that in the event of any war—either an external war (which was always possible) or an internal insurrection (an event every way probable), it would be found, that these estimates by which the redemption of the charge to be incurred by the proposed arrangement was made, might prove erroneous. At the same time, he was convinced, that ultimately, the resources of India would be sufficient, and more than sufficient, to meet every demand that could be made upon them. There was another point in the scheme which he could not understand, and that was, the strict control which was proposed to be established, on the part of the supreme government, over the subordinate governments of India, so that no step was to be taken, no expense incurred by those subordinate governments, without the sanction of the Governor General. When they considered the distance at which some of these subordinate governments were situated from the seat of the supreme government, and when they recollected how greatly the business which the Governor General had already to transact would be augmented by this arrangement, he was apprehensive that the attention of that great officer would be diverted from the exercise of a vigilant superintendence of the comprehensive and high affairs of that great empire. If every expense, under whatever circumstances, to be incurred, must be previously referred to the Governor General, his time must be frequently unworthily occupied by points of minor detail, to the great detriment of more important questions. Nor was that all; for these subordinate governors would be also lowered in the estimation of those over whom they presided, and by whom it was so necessary they should be held in great respect, if they could not perform one act of authority, or incur any public expense, without the direct sanction of the supreme government. He, therefore, was of opinion, that much greater inconvenience would arise than advantage from the proposed alteration. He could easily conceive that, to a certain extent, the plan might be advantageous; but then it did not require an Act of Parliament to establish it. A single despatch from the Home Government to the several subordinate governments, stating that no expense above any certain amount, should be incurred by those governments, without the sanction of the Governor General. That might be a reasonable limitation of their authority; but the idea of making a law on the subject could not be entertained. To the proposal for establishing a new frame of government in India, by appointing a Governor General, with a counsellor for each presidency, distinct from the local government of Bengal, he must say, that, at the first blush, he should consider it an improvement; but it was to be considered, whether it would not interfere too much with the subordinate presidencies. If it was intended, that the governors of the subordinate presidencies were to be inferior in importance to the councillors of the supreme government, the consequence would be, that only persons of inferior qualifications would accept those appointments. Hitherto it had been considered essential not only to a due discharge of the duties of the office, but with a view to the effect produced on the minds of the natives, that the Governors of the subordinate presidencies should be officers of high rank, and men of eminence, to whom the natives would look up with confidence and respect. It had with this view, appeared desirable that there should be an occasional nomination to these presidencies of persons of superior English rank—such, for instance, as the appointments of Lord Clare to the government of Bombay—of

Lord Buckinghamshire, Lord Clive, and Lord William Bentinck, to that of Madras. He wished to call the attention of his right hon. friend to this point, and to know whether there would not be a difficulty in prevailing on men of eminence in this country to go out to India to fill these subordinate presidencies. With respect to the new presidency in the western parts of Bengal, he was prepared to approve of that measure, if it were not attended with too great an additional expense for the present state of our finances. At the time when the nomination of Lord William Bentinck to the government of India took place, that subject was brought under his consideration at the India Board; and it became a question which of two plans should be adopted—one, that the Western States should be formed into a separate presidency; and the other, that they should be connected, to a great extent, with the Governorship of Bombay. He had left the matter undetermined until Lord William Bentinck should have had the opportunity of making inquiries upon the spot, and of reporting to this country his opinion respecting the merits of the two plans. That officer had now probably reported in favour of the system of establishing a separate presidency; and if that were the case, though there were strong reasons for a different conclusion, he was disposed to acquiesce in that decision, as an important improvement. On the whole, he must repeat, that he regretted that this question was not brought forward at an earlier period of the Session; for it would be impossible, with any degree of satisfaction to the parties immediately interested, or to the country at large, to pass such an important measure this Session. He disliked delay; but delay was better than that the matter should be settled without receiving that due degree of attention which its importance demanded. He would, therefore, suggest, that the subject be suffered to stand over till next Session. In the plan generally he acquiesced; but he doubted the expediency of continuing the Court of Directors, as at present elected and nominated, and as at present qualified for performing that part which they had hitherto enjoyed in the government of India. A mode of nomination might be adopted more analogous to the new situation in which they were to be placed—of political officers having no connexion with commerce.

Mr. *Marjoribanks* having returned not many months ago, from China—having—had twenty years' experience in the trade between India and China; and having, in some measure, come under an engagement with his fellow-countrymen in China, to use his humble endeavours to render their very peculiar situation better understood and appreciated in this country, felt himself called upon to address the House. It was very far from his wish to enter, at that moment, into a discussion of the general question; but he might be permitted to say, in reply to the right hon. Gentleman who had just addressed the House, that to his proposition for a new constitution of the Court of Directors he was entirely opposed. He also thought that the manner in which the patronage of the Company was managed, was conducive to the good Government of England. He had visited every presidency, and had seen the system in actual operation; and he could conscientiously declare that no class of men in the world, bore, and deservedly bore, a higher character than the civil servants of the Company in India. These persons had been appointed by the Court of Directors under the existing system; and as far as his observations of the manner in which the patronage had been bestowed by the Court of Directors, it had tended to uphold the high reputation of this country throughout India. But he would advert to the principle upon which it was proposed to regulate our future intercourse with China. It was hardly necessary for him to remind the House that the time had been, when the British residents in Canton had been required to submit to a degree of degradation and oppression which never would have been tolerated in any other country or under any other circumstances. It was, and is the object to obtain a better understanding, and a great era had now arrived, when a wide field was about to be opened to our commerce. His right hon. friend had very well described the painful situation of British residents in China, placed as they had been in the most trying situation. Not only their property, but their lives, and those of their fellow-subjects, were at stake. He agreed with his right hon. friend, that the period had arrived when a change in the system ought to take place. It had been said, that we should trade as American vessels do—but without any prejudice towards the Americans, and recollecting that we were all one people, he did not see why we should cross the Atlantic to look for an example in this respect. Perhaps the House had very little idea of what class of people the Hong in Canton was composed. When he first went to that country some were small shopkeepers, a greater part had become bankrupts, at one time or other, and nearly all were men of broken-down and ruined fortunes. Of course they did not bear a very high character; and indeed such was the disrepute in which the office of Hong was held, that no man of respectable character would undertake to fill it. Now, his opinion was, although he differed in this respect from several friends who were well informed upon the subject—that the exclusive privilege which the East-India Company had hitherto enjoyed, had served to prop and bolster up this body which would otherwise have fallen to pieces. The right hon. Gentleman had alluded to the condition of British subjects in China, and to the dangerous situation in which, in the event of any ill-feeling arising on the part of the natives, they might be placed. The right hon. Gentleman was perfectly right; but he was happy to say, that the most perfect cordiality and good feeling had existed between the crews of British vessels and the natives; and he should be ungrateful if he did not acknowledge the cordiality and kindness he had always received; but he begged to state that this feeling might have been in some degree improved. He invariably gave every assistance in his power to every man, without inquiring whether he was in the service of the East-India Company, or not. Just before he left China, a ship belonging to a British merchant was seized with property to a very large amount on board. He advised the adoption of a conciliatory course towards the Chinese Government; a petition was presented to the Viceroy; the consequence was that the ship was immediately restored, and the property given up. Perhaps he might observe, with reference to the observations which had been made relative to a harsh course being adopted towards the Chinese government, that it had only been pursued when it had been rendered necessary by oppression. They frequently heard with reference to the Chinese character, that we had to contend against the most obstinate pride, and an exclusive idea of self-importance; but they should not forget that the Chinese had wonderful cities and splendid buildings and walked about in silks and satins, when Britons were nothing better than barbarians—who painted their bodies blue and yellow; and he could not help thinking that it was not consistent with sound policy to treat any nation with supercilious contempt, or to yield to it the most abject submission. He could mention to the House several facts connected with the establishment of the Jesuit missionaries in China, which would perhaps, tend to remove some erroneous ideas which were entertained respecting them. They certainly were much more useful in teaching the Chinese an improved method of manufacturing gunpowder, than in communicating the religious instruction which they affected to inculcate. From taking exaggerated statements referring to particular instances, and judging of the English character from men of the lowest grade, and of the most abandoned description, the Chinese people had formed a very inaccurate idea of the European character. Lord Macartney, perhaps, had more experience than any other man; he had been ambassador at Portugal, Governor of the Cape of Good Hope, Governor of Madras, and Governor-General of India; and in addition to his own extensive stock of diplomatic experience, he went to China accompanied by all the intelligence and all the science which the age would produce. Certainly, mixing with these illustrious persons, the Chinese formed a much more favourable, and at the same time a much more just idea of the European character, than they had previously entertained. To make the Europeans respected, a system of firmness, as well as of honesty and fair dealing, ought to be pursued. The more he thought on the subject the more he was convinced, that no concession they could make would have any effect on the Chinese beyond that of making them more overbearing—it would produce an effect exactly the opposite of what was intended. He believed, that, at this moment, the preservation of our China trade was owing to the firmness of Lord William Bentinck, who, two years ago, asserted, in a becoming manner, the honour and dignity of the British nation. He was convinced, that we had much to expect from their apprehensions, but very little from their favour. When he said this, he referred principally to those in authority, and with whom the China trade was, at present, carried on. Among the mass of the people, he believed, there was a disposition in our favour. A proof of this was to be found in the expedition of Mr. Lindsay, who, possessing a considerable knowledge of the Chinese character, was ordered to proceed to the different ports on the coast of China, and then to go on to the Loo Choo Islands. In the course of that expedition, he ascertained, that the Chinese people, at all the ports which he visited, were peculiarly desirous of British intercourse, and that even the Mandarins themselves, in several instances, professed themselves favourable to that intercourse; but, as they said, their heads would sit loose upon their shoulders if they sanctioned it. At every place where Mr. Lindsay landed, he was received in the most friendly manner; and he would just trouble the House with one passage from a letter of that Gentleman. The hon. Member read the following paragraph:—'But I have not the slightest hesitation in 'saying, that, if your proposition were to 'be adopted, and if the northern ports of 'China were to be opened at once to our 'vessels, they might trade there without 'any contest, or sacrifice of money, or 'loss. Wherever we went, we found the 'people anxious, beyond our hopes, for 'intercourse with us; and, I declare, we 'met with more kindness and civility from 'the Chinese, during our voyage, than 'travellers could expect or experience 'from any civilized nation in the world.' That was no speculation, but a statement of fact; the gentleman speaking the Chinese language admirably, he took his gun upon his shoulder, and walked about the country, where he was well received by every one. After Mr. Lindsay's expedition, a short statement was published in the Chinese language, copies of which were sent into China, where they were publicly commented upon. At last they reached the king, who expressed his great surprise that any foreigner should dare to write upon such subjects; in the mean time, however, many thousand copies had been circulated, and received with the utmost avidity by the Chinese. It was Mr. Lindsay's opinion, that if a course of independent conduct were pursued, all the ports of China might be opened to British industry and enterprise. This was especially the wish of the people of the parts northward of Canton. They were jealous of the monopol possessed by Canton, and would do all in their power to get it put an end to. If, therefore, we had the jealousy of the government operating against us at Canton, we had the wishes of the people in our favour in the other ports of the empire. Now, the benefit of having the people with us, even if the government were against us, was sufficiently known at the present day, and the interests of the people, there could be no doubt, would be more powerful in our favour than the jealousy of the government would be injurious to us. He was glad to know, that the study of the Chinese language was now becoming general; for since that had been studied we had been more respected and less imposed on. He thought, that there were two great objects we ought to have in view: the first was, to give full and sufficient power to the British Representatives in China; the second was, if possible, to obtain a better understanding with the Chinese government. The changes now contemplated would, he thought, be productive of the greatest benefit, not only considered with reference to their extending and improving a great and most important branch of British commerce, but with regard to what was of still more importance, the future welfare of millions of men, who, at the present moment, were involved in a state of comparative ignorance and barbarism. He gave his most cordial support to the Resolutions of his right hon. friend.

Mr. *Cutlar Fergusson* suggested, as there could be no great objection to the Resolutions before the Committee, that they should be allowed to pass, and that the discussions upon them should take place at a further stage of the proceedings. If that appeared the wish of the House, he should refrain from speaking then, and reserve himself for a future occasion.

Mr. *Charles Grant*, in answer to a question from Mr. Clay, said, that voting for these Resolutions would not pledge hon. Members to any specific course. He wished them to be adopted that night, in order that he might be enabled to bring in, as soon as possible, a bill founded upon them.

Mr. *Buckingham* said, that as a suggestion had been made to defer the discussion on the subject to some future period, he felt it due to the House and to himself to explain the grounds on which he deemed it his duty, notwithstanding this suggestion, to proceed with the debate. Had the right hon. Gentleman contented himself with placing the Resolutions on the Table of the House, unaccompanied by any explanation, he should readily have waived his privilege of addressing them, and postponed the discussion to a future day; but as the Resolutions had been accompanied with an able and elaborate speech, defending the ground on which they were based, he felt himself bound to the country to give his approbation of some portions, and his disapprobation of others; and to assign the reasons of his dissent from those portions of them to which he objected. And as the hon. Members who preceded him had each enjoyed their due share of the attention of the House, he trusted this indulgence would not be denied to him, who had devoted the best portion of his life to the study of the subject under debate. He should not abuse that indulgence by trespassing at any unnecessary length upon that time to which others had an equal claim with himself. He had formed no outline of a speech—he had brought with him no books to quote—he had provided no documents to read—but he had merely noted down, as he went along, the observations that fell from the right hon. the President of the Board of Control; and to these, and these alone, he would strictly confine himself—his object being not display, not delusion, not retaliation, but a plain, practical, and business-like view of the great question before them, in order to determine by what mode the greatest amount of good to all parties could be promoted in the change they were about to effect. For this purpose he would waive every thing preliminary—he would discard all ornament—he would appeal only to their reason and their judgment; as, all he desired, was a sound and just conclusion as to the best course to be pursued. The subjects proposed to the consideration of the House, by the right hon. Gentleman, were three; first, the civil and political administration of India; secondly, the commerce with China; and, thirdly, the compromise with the East-India Company, by which their assent to the proposed new arrangement had been purchased. He would examine each in the order in which they had been introduced to their notice. The right hon. Gentleman began by stating his conviction, that, on the whole, the political administration of the Company in India had been beneficial, and had advanced that country to a higher state of prosperity than it enjoyed under its native princes, and improved the condition of the people. To this he (Mr. Buckingham) felt compelled to offer a direct negative; as no fact was better established on evidence than this—that when the English first obtained settlements on the coasts of India, at Surat, Goga, and Bombay, the country, according to the testimony of Mr. Mill, the able and the only accurate historian of India, the seat of one of the most splendid was and flourishing monarchies on the face of the globe; while, at present, according to the testimony of Mr. Rickards, one of the ablest of the civil servants, and of Sir Thomas Monroe, one of the ablest of the military servants of the Company, the proofs of decline and decay were every where to be seen. According to the former, the system of English rule had reduced the natives to a state, not merely of poverty, but of misery the most abject, in which they were doomed to sow in wretchedness and reap in despair; and to continue in worse than Egyptian bondage, without a hope of any other deliverance than the grave. According to the latter, whole districts, which he had been appointed to survey, had so fallen off from their original state of prosperity, that for an extent of 200 miles in length, in the Soondah, he saw only forest and jungle growing up on land formerly well cultivated, and which, according to ancient revenue accounts, yielded a large annual tribute to the state; while, at present, there was nothing to be seen but once cultivated fields turned into barren wastes — and villages, formerly thickly peopled, ultimately uninhabited and abandoned to silent desolation. These were the melancholy proofs of the nature of the Company's rule in India, drawn from the ablest of their own servants. But he would cite a nearer and a much more recent authority—one only a few days old—and falling from the lips of the Secretary to the India Board (Mr. Macaulay), whom he had now the pleasure to see before him. About a fortnight ago, in the discussion, at a morning sitting of the House, on the claims of Mr. Hutchinson against the India Company, the principal argument used by the hon. Secretary was, that if these claims were admitted, they would have to be paid, not by the

East-India Company, but by their native subjects, whom he characterized as "already the most oppressed and heavily taxed race under the sun." It was rather unfortunate that this admission should have been so recently made, as it afforded a striking contrast to the view assumed by the President of the India Board. But its truth was undeniable; and he would leave the House to judge how it was possible to reconcile the pretended good government of the East-India Company with this abject condition of those under their rule. To him it appeared irreconcileable, and, therefore, he contended, that as the weight of evidence was wholly in support of the former, and as this corresponded entirely with the result of his own experience in the country, India itself, he felt justified in denying altogether the assumption on which the right hon. Gentleman (Mr. Grant) had founded his eulogies of the Company's rule. As if, indeed, there had been some lurking apprehension of a denial of this assumption, the right hon. Gentleman apologized by anticipation for the inertness of the Company's government, and allowed, that it was in its nature sluggish and apathetic; its nature was to love repose, to give a sort of passive resistance to innovation, and not to risk too much by change. But it was unfortunate, that this sluggishness was only observed when improvement or benefit was to be conferred. If war, or conquest, or spoliation, or plunder, was to be the pursuit, their dormant energies were soon quickened into life—they were not apathetic then; their love of repose and their hostility to change, each disappeared, and they were among the foremost in the activity of their career. It was thus, that the reigns of several of the Governors General had been called "brilliant administrations" from the vast accessions of territory which they had made by plundering the native princes of their lawful dominions. It was thus, that having landed on the coasts of India as humble traders, sueing as a matter of grace and favour, for a small spot of land whereon to erect a factory, and dispose of their wares, they sought out grounds of quarrel with their unsuspecting and generous benefactors, and, marching from province to province, and from kingdom to kingdom, they passed from merchants to sovereigns, and either usurped or overturned every throne, and deposed or exiled every lawful sovereign in the country! In all these aggressions, there was none of the sluggishness of which the right hon. Gentleman spoke; their indolence was only manifested in matters of improvement; and their great hostility to change, and dread of innovation, were reserved for opposition to the progress of Christian missionaries, to Colonization by British settlers, and to the freedom of the Press. It was in the same spirit that they refused to recognize the political existence of the natives, as stated by the right hon. Gentleman; and he would simply ask the House whether that could possibly be a good government, which refused to make the slightest recognition of any political right, or even political existence, in a people, whom they used for no other purpose than as instruments of production; for which, it was the chief, if not the sole business of their government, to plunder all their substance, save only the scanty stock which was left in their possession to subsist them for further production, and further plunder still. He rejoiced to hear, that the political existence of the Indian people was at length to be clearly recognized; as this first step would lead to others, and their advancement in comfort, intelligence, and happiness, would then go on, he hoped, with accelerating speed. In addition to the pretended excellence of the Company's government, which was assigned as a reason for our still leaving the political administration of India in their hands; it was said, that it would be dangerous to transfer from them to the Crown the extensive patronage which they now dispensed. It was something new, no doubt, to hear a Minister of the Crown enlarging upon the danger of patronage, and disclaiming, or rather refusing to have it placed at its disposal: but as the noble Lord, the Chancellor of the Exchequer, had said, on a former occasion, in that House, that the day for governing by patronage had gone by, it might be thought becoming in his associates to repudiate all claims to its exercise. He would not venture to decide whether it was the excess of disinterestedness, or the love of ease, and the aversion to be troubled with its dispensation (for to dispense patronage satisfactorily was undoubtedly a very troublesome affair) that had led to this determination. But he must say, that this pretended alarm about the danger of

India patronage being transferred to the Crown, was altogether destitute of foundation. What was the actual state of the case? Why, that at the present moment, all the most important patronage was directly exercised by the Ministers, and that of the inferior patronage they might have indirectly as large a share as they desired. By whom was the appointment of the Governor General made? Nominally, no doubt, by the Company: but, as the Crown had a veto, and might refuse to confirm any such appointment, it was an obviously shorter course for the Ministers to indicate before-hand, who they wished to be chosen: and to say, in effect, —this is the man whom the king delights to honour: and it is useless for you to think of appointing any other, for no other will we, as the Ministers of the Crown, confirm. The appointment of the Governor General was then already actually in the hands of the Government: as well as that of the Commander-in-Chief, of the Judges of the Supreme Courts, and of the Bishops; so that while all the heads of the Civil, the Military, the Judicial, and the Ecclesiastical branches of the service were already in the hands of the Ministers, they deprecated the idea of intrusting them with the dangerous power of exercising the patronage of India, as adding too largely to the influence they already possessed! The subordinate appointments might not generally be worth their trouble or their care; but whenever they desired to dispose of any of these, nothing was more easy than for them to obtain any number of them that they wished. That a tolerably extensive traffic in this branch of patronage once existed, was proved by the fact of the late Lord Castlereagh having been once accused of bartering a seat in the House of Commons for a writership in India, as a fair marketable and business-like exchange;—when the noble Lord, with that coolness by which he was characterized, turned round upon his accusers, and exclaimed, "What! is it then come to this? Are we all at once become so pure and immaculate, that a fair exchange like this is to be called corruption, when the practice is as general as it is constant, and is as notorious as the sun at noon-day?"—defending the crime by its very notoriety, and expressing astonishment at its being deemed worthy of notice. Such practices he hoped and believed did not prevail now: but if the occasion should arise, on which a Minister might desire to make any use of such patronage, it was as much at his disposal as ever, by the mere asking for it, and reserving other favours in return; with the great disadvantage to the public, of his not being openly responsible to this House for its exercise, which he would be, if it were intrusted to his avowed direction, when the fear of exposure in Parliament might operate as a wholesome check upon its distribution; whereas, while the patronage continued in the hands of the Directors, they might accommodate the Minister with any portion of it that he desired, and shield him from all responsibility for its misappropriation. It had been said, indeed, that no plan had been proposed for the regulation of this patronage, which would remove the difficulties of the case. But the right hon. Gentleman was too well read in Indian history and affairs, and too well acquainted with the history of past discussions, not to be well aware that Lord Grenville, in his celebrated speech of 1813, had proposed a plan, which would have obviated all difficulty, and which was capable of being reduced to immediate practice. It was this: to let the selection for the first appointments to the India service, in the civil, military, and all other departments, be made from the youths educated at the principal seminaries in England, who should be most distinguished for their attainments and character, out of which all vacancies, as they occurred, should be filled: and if their progress in the service, subsequent to their first appointment, were made by gradation of time alone, unless disqualification should be proved, as is the case with the military branch of the service in India now, the influence of patronage would be altogether destroyed; as attainments and character would be the only patrons in the first instance, and length of service, and faithful discharge of duty, the only claim afterwards. If to this were added, the plan suggested by the right hon. the late President of the Board of Control (who had himself disposed of a portion of his India patronage in civil appointments, according to the rule adverted to above;) and sons of military officers serving in India had a preference of eligibility for cadetships in the Indian army, the largest amount of supply would be always available to meet the demand; and neither the Ministers nor the Directors need be intrusted with the temptation which each so loudly professed their desire to avoid. The next topic touched on was, the intended separation of the trading and political character of the Company; and at this he sincerely and heartily rejoiced. No union could be more fatal to the virtue of any rulers, or the happiness of any people, than this incongruous alliance between things which never could be blended well together; as each was, in reality, fatal to the other. It was a profound remark of Lord Grenville, that the union of the merchant with the sovereign was fatal to the due discharge of the duties of both. No sovereign that was also a trader, ever ruled his subjects well: no merchant, that was also a sovereign, ever traded but at a loss. And Mr. Vansittart, himself a President of the Council of Bengal, describes in his evidence, before the Parliamentary Committee, the manner in which these merchant-kings exercised their power. Their rule of buying, he said, was to make the natives take whatever price the buyers chose to offer: and their rule of selling was, to make the natives give whatever price the sellers chose to ask. It would have been a miracle, indeed, if a country so placed between the tyranny of the sovereign and the avarice of the trader, should not have been plundered to the last dregs, and impoverished almost to exhaustion. This fatal union had lasted far too long, and it was high time that it should be dissolved. He could not help thinking, however, that though the dissolution was desirable, that which was left to the India Company ought to have been taken from them—namely, their political administration: and then, that which had been taken from them — namely, their mercantile transactions, might safely have been left. The idea of committing the government of an empire, containing a hundred millions of souls, to the management of a Joint Stock Company, whose only interest was in the dividends they derived on their stock, was so preposterous, that if it were now to be proposed for the first time in this House, no language would be adequate to describe the astonishment which its bare announcement would excite. The right hon. Gentleman had himself spoken of the evils of having a mercantile body to govern a great country, whose only object of care was the dividends they were to receive. But this argument was a two-edged sword; it cut both ways, and it proved also, that to have a joint stock political body to govern a country, whose only anxiety was to keep up the dividends on their stock, was equally bad. No matter from what sources the dividends were to come; whether from the commerce with the country, or its revenue: in either case, the utmost exertions would be made to secure the requisite amount; and that being obtained, all thoughts of remission of taxation, or of future improvement, would be discarded. In their mercantile character, the Company derived their dividends from a monopoly of trade; in their political character, they were to derive their dividends from the surplus revenue of the country: and as they would have more power as rulers, to levy their exactions, than they could have, as merchants, to extort their profits, the former would be by far the most fatal to the prosperity of the country. India, in short, was but one vast and enlarged edition of Ireland, where the people who tilled the earth were forbidden to feed on its produce, which was exported and sold for the benefit of idle and unproductive absentees; and the wretchedness of the peasantry, both in the one and in the other of these unhappy and misgoverned countries, was occasioned by, and existed in proportion to, the exactions wrung from them to remit to others, and to be spent in other lands. In happier countries, England, for example, when the Chancellor of the Exchequer had obtained the revenue necessary for the payment of the public establishments, and the interest of the debt,—if there were a surplus, however small, he came down to the House, and stated the mode in which he meant to dispose of it, by a remission of such of the taxes as pressed most heavily on the people. But in India, remission of taxes was a thing unknown. The only limitation to the amount wrung from the natives was their capacity to pay. They were taxed to the uttermost farthing, and had only a bare subsistence left. Out of the first proceeds of the revenue thus raised, the public establishments and the interest of the debt were paid: but the surplus, instead of being remitted to lighten the public burthens, had to be sent to England, there to be divided as profits, among the proprietors of India Stock; and if, after this, a surplus should still remain, it was disposed of, by making new appointments, and giving places and pensions that absorbed it all. In other countries, a reduction of expenditure was often made, because there was a public voice to demand relief. But, in India, nothing but the incapacity to pay, ever occasioned the reduction of a single charge—and why? For the simplest of all reasons—because the Directors in England were naturally averse to retrench the places filled, or the emoluments enjoyed by their sons, their nephews, and their other relatives and dependents. The more extensive the establishments as to numbers, the more of the family could be provided for; and the larger their pay, the sooner would they return with ample fortunes. This was, therefore, a matter that came home to the business and the bosoms of men; and as long as the Joint Stock Company should exercise the powers of the Government, and dispense the patronage, there was no hope of a change in this particular; so that the country was doomed, while this system lasted, to all the evils of which it was the parent and prolific source. He said the system, because it was to that, and not to the individuals to whom its direction was intrusted, that his objections lay. Among the Directors of the India Company, there were many for whom he had personally the highest respect and esteem: among the proprietors of India Stock, there were many for whom he had a high regard; and as to the individuals composing the civil and military service of the Company in India, there was not, he believed, in the world, a more intelligent, high-minded, and generous set of men. But this could not blind him to the defects of a system, the most incongruous in all its parts that could be well imagined. For instance, the proprietors of India Stock were a body fluctuating between 3,000 and 5,000 individuals, including men, women, and children; the two latter predominating in number over the former, and each and all having no other interest whatever in the prospects of the country, than just to secure their fixed dividend, and nothing more. Their Directors were men who, as was well observed by the late President of the India board (Mr. Wynn), were, upon the average, from sixty to seventy years of age, and to a few only of these, the senior members, nine in number, was committed the task of governing an empire with a hundred millions of souls, and by orders sent from a country many thousand miles distant from the scene. What was the inevitable consequence?—Declining trade, declining population, declining revenue, and nothing increasing but their embarrassment and their debt! And yet to such a body was still to be confided the future government of India—a body so changeable, that it was never composed of the same materials for any two days following, some selling out their stock, and some buying in, every day in the week, and no other qualification than being a stockholder, being required to form a part of this governing body. If a gentleman in the country came for the first time to London, and chose to buy in 500*l.* worth of India stock, he became an Indian legislator at once; he could go down to the India House in Leadenhall-street, take a part in the debates, move a resolution for the recall of the Governor General, a vote of censure on the Court of Directors, or a re-modelling of the army or civil service; and as a proprietor of India stock, was as much entitled to take part in the proceedings of the Court, as the oldest member in it. When he had held his stock twelve months, he might also vote upon the most delicate and important questions that could be submitted to that body for decision; and when he had given his vote, and passed his resolutions, he could sell out his stock the next day, and leave the responsibility of his conduct to those who might remain, or who might buy in after him; and these were changing every day. The cameleon, in short, did not more frequently change its hues, than did the Court of Proprietors its members. It was not a triennial, nor an annual, but a daily Parliament, to deliberate upon the affairs of a distant and little known country, and to such a body we were now recommended to confide the government of India again for another forty years! Against this part of the right hon. Gentleman's plan he tendered his most earnest and solemn protest; and when the proper time arrived, he should be prepared to show that this was utterly incompatible with good government, or the happiness of the people. Let the Company trade if it will, and compete with the private merchant if it likes. Let it have no monopoly, but do not deprive it of its fair share of competition with the rest. Take from it its political character, and leave it to deal with its mercantile affairs, divested of its monopoly, as it should see fit. That would be the separation he should have recommended, and that, he believed, would have satisfied the people of England, as well as the people of India, better than this Joint-Stock-Governing-Company, with its quarterly dividends, and marketable stock. He would pass on, however, with as much rapidity as possible, to the other portions of the right hon. Gentleman's speech, which related to the trade with China. He had heard, with unmixed satisfaction, the announcement, that from henceforward, the commerce of that country was to be equally open to all his Majesty's subjects. He believed there was no one measure of the Government which would give more general satisfaction to all classes than this —as to all it could not fail to be productive either of direct or collateral benefit. The fact mentioned by the right hon. Gentleman, of the Company's trade gradually declining, while that of the private merchant was as gradually increasing, was proof sufficient of the incapacity of monopolies to compete with open trade, wherever the two could be brought into competition or comparison: and it was only matter of astonishment that this had not long ago determined the Government to put an end to so ruinous a system as this of exclusive privileges. An hon. Member (Mr. Clay) had presented a petition from some of his constituents of the Tower Hamlets, praying that the Company might be still allowed to trade to China, as well as private merchants. The answer to that prayer, he conceived, ought wholly to depend on whether the political administration was to continue in their hands or not. If they were to retain the government of India, then he considered that they should not be allowed to trade in any way whatever. But if the political administration were to be in the hands of the Crown, then, undoubtedly, it would be unjust not to permit the East-India Company, or any other joint stock association, to trade as they might think proper, merely depriving them of their exclusive monopoly, but allowing them to trade in open competition with others to any part of the world. One of the topics touched on by the right hon. Gentleman was, the alleged jealousy of the Chinese, which had been a favourite objection urged by the Company against the admission of the private trader into their ports. But he would ask whether that jealousy was not rather directed against the Company than the private merchants? Towards the former, the Chinese had abundant reason for looking with apprehension at all points. Their land frontier now pressed close upon the borders of China itself: and when the Chinese saw the progress of the Company in India, landing first upon the coast as humble traders, and soliciting, as a matter of grace and favour, the grant of a small spot of land whereon to erect factories for the sale of goods, and afterwards, under various pretences, possessing themselves of the whole country as sovereigns, was it to be wondered at that they should regard the Company as a set of designing adventurers, who would insinuate themselves, first, into the ports of China, then into the interior, and afterwards assume the dominion of the whole country? Another circumstance which tended greatly to keep alive this apprehension of danger from the Company was this—that while all other vessels entered the port of Canton with pacific appearances, as well as for pacific purposes, the Americans, for instance, with varnished sides and mercantile apparel, armed only with a few guns to defend themselves from the Malay pirates, the East-India Company's ships came in all the outward appearance of frigates and line-of-battle ships, with a tier of sixteen or eighteen guns on either side, ready for immediate action, with double the number of men carried by other ships employed in the same trade; and with officers dressed in uniforms, like the officers of the navy, with gold embroidered coats, cocked hats, and swords by their sides, presenting altogether so strong a resemblance to the ships of war and naval officers of his Majesty, that no Chinese could perceive the difference: and their very natural conclusion was, that the Company meditated some covert attack, and were only waiting their opportunity to carry it into execution: for they concluded, that if their object had been trade alone, they would have had only trading ships and trading crews; but that their warlike equipment was intended for a warlike purpose; and therefore it behoved the Chinese authorities to keep a jealous and a vigilant eye upon their proceedings. It was said, however, that the state of things had recently been altered in China, and that there was now a body of "independent Englishmen" established in Canton, which showed the safety of admitting the private trader into that port at least. There were various acceptations of the word "independent," but he would describe to the House the footing on which the English gentlemen alluded to remained at Canton, and he would have the House to judge whether they were what an English Assembly of Legislators would call "independent." Not one of all the number could even visit Canton without a special license or permission from the East-India Company: even if so permitted, there was not one who might not be expelled from Canton, merely for being an Englishman, and for no other reason, by the authority of the Company's factory, who were empowered so to do by virtue of the Company's Charter. And what was the result?—why, that Englishmen desirous of settling at Canton, as members of this "independent body," were obliged to deny their name and country, to get metamorphosed into Russians, Prussians, Swedes, or Danes—to desert the English standard, and hoist a foreign flag, as their only protection from the arbitrary banishment of the Company's supercargoes! This was the "independence" which British subjects enjoyed at Canton. Notwithstanding these disadvantages, however, the trade of these private merchants, who were tolerated as foreigners, though well known to be of English name and birth, had progressively increased, while that of the Company had as progressively declined; and this fact alone, he thought, was quite sufficient to show that the true policy of the British Government was to grant exclusive privileges to none, but to extend equal rights, religious, political, and commercial, to all the subjects of the realm, wheresoever they might be found. One of the branches of this trade that had most rapidly increased, was that carried on in opium, which had been accurately described to a certain extent, by the right hon. Gentleman, the President of the India Board, as well as by the hon. member for Berwickshire (Mr. C. Marjoribanks); but they had each omitted one portion of its history, which he would venture to supply. It was this, that the cultivation and manufacture of this opium, was one of the large monopolies still existing in the hands of the Company in India; and was so productive, that in consequence of this monopoly, the article was often sold at the Company's sales at Calcutta, at an advance of 1,000 per cent above the actual price at which it might be produced. So much importance, indeed, was attached to this traffic, that the superintendent of the cultivation of opium, residing at Patna, was paid by the Company a larger salary than that given to the Chief Justice of the King's Bench, the Representative of his Majesty, and the head of the judicial establishment in India. And yet, while the Company claimed to itself the high prerogative of being the guardian of the laws, and the preservers of the morals of the people over whom they ruled, and punished with extreme severity any infraction of their own regulations—they cultivated this opium for no other purpose than for smuggling it into China, against the laws and edicts of the empire; and as had been truly said, of poisoning the health, and destroying the morals of the people of that country. It was painful to think what a vast amount of evil had been already created by this trade; but if the traders of China could be supplied with British manufactures in payment for their goods, instead of this deleterious drug, a wholesome and reciprocally beneficial commerce would be created, instead of the mischievous and demoralizing traffic which now did injury to both; the whole guilt of which rested with the Company, as it was they who furnished the opium from India, and their supercargoes at Canton who licensed the smugglers in China, so that the beginning and the end of this illicit and contraband trade was theirs. It was pretended, however, that though our intercourse with China might be safely retained on its present footing, yet that a more extended intercourse would endanger the whole, by leading to such ruptures as would induce the Chinese to break off all connexion with us, and shut us out from the other ports altogether. The best answe to this was the fact, that the Chinese receive the ships of all nations with equal readiness, and never ask whether they are free-traders, or ships of an exclusive Company. Their object was like that of all other mercantile people, to buy cheap and sell dear; and with whomsoever they could effect these objects, they were ready and willing to enter into negotiation. It was indeed pretended that the bare proposition of throwing open the trade to the people of England, would be calculated to give such a shock to public feeling in China, as to make them protest against it altogether; as it was inferred from their admitting us only to one port now, that they were an anti-commercial people, and averse to any extensive foreign connexion. He (Mr. Buckingham) thought he had given sufficient reason for the existence of that jealousy which led to this limitation of the European trade to one port only, namely, the fear that the East-India Company, or the Europeans generally, were a deceitful race, who would enter their ports on the coast under pretence of trade, but, subsequently pass into the interior, and ultimately take their country from them, as they had done in India, Java, and elsewhere. But what would be said of the absurdity of the conduct pursued by the British Government, who, pretending to take the lead among the nations for superiority in intelligence, civilization, and above all, commercial enterprise, were guilty of the monstrous blunder, as well as injustice, of confining the whole of the trade from China to one port only, namely, the port of London, not from any jealousy of Chinese encroachments on our territory, not from any apprehended danger of admitting armed Chinese ships (for no vessel of that nation had ever yet passed round the Cape of Good Hope), but from mere deference to the monopoly of an English Hong, the East-India Company, for whose exclusive profits every other port in England was to be closed against the admission of Chinese produce! This reproach upon our Legislature, he was happy to learn, was at length to be wiped away, by all his Majesty's subjects being allowed freely to trade with China, and by all ports in his Majesty's dominions being equally accessible to vessels trading from thence: a change in our commercial policy, which he believed would effect more good than any that had yet taken place during the present century, and for which the peculiar circumstances of the moment were most auspicious. For what was the condition of this country? There were, he well knew, some differences of opinion as to the actual extent of existing distress, as well as to the causes from which it sprung, and the remedies most fit to be applied. But he believed there was no difference of opinion whatever on this point: that the progress of invention, the improvements in machinery, the discoveries in the arts, and the increase of population, had brought the nation into a state of plethora, or fulness of excess. We had abundant capital, yet poverty increased; we had immense powers of production, yet there was a large want of employment; we had an increasing population, yet thousands wanted relief. For such a state of things there were but two remedies—either to arrest the progress of production, and thin the population of the country, both of which were in excess as compared with the means of consumption or employment; or to open new outlets, to explore new markets, to supply new nations with our wares, to carry off our gradually accumulated excess. For this purpose there was no measure more likely to accomplish its end than the opening of the trade with China, and the immensely populous regions seated near its coasts. It had been well observed by the right hon. President of the Board of Control (Mr. Grant) that the limits of the East-India Company's Charter were not very narrow, as they extended from the Cape of Good Hope on the one side, to the Straits of Magellan on the other, and included nearly half the globe. This was undoubtedly true, and the greater must be our astonishment that any government could be so ignorant or so unjust, so blind or so profligate, as to lock up, as it were, these immense regions, in the hollow of the hands of twenty-four Indian Directors—a majority of whom were incapacitated by age and infirmity, and the remainder disqualified, by having no other than a pecuniary interest, for the direction of even a very limited concern of government and commerce combined; but who had, by their exclusive monopoly, been intrusted with the dominion and the trade of more than half the globe. The Baron Humboldt had estimated the entire population of the earth as considerably less than 1,000 millions: and in the several countries of India, Persia, Arabia, China, Japan, Borneo, Java, and the Eastern Isles, all lying within the limits described, more than 500 millions of people existed, with whom the English nation (excepting only the insignificantly few proprietors of India stock) had been hitherto debarred, by their own Legislature, from holding any intercourse, though they were accessible for all the purposes of profitable commerce by the ships and merchants of every other country in the globe, except our own. He would not enlarge upon the immense resources of these teeming countries, and the vast expansion which the opening of them would give to British trade; but he would content himself with repeating his earnest belief, that in the present circumstances of the country, suffering as we did from extremes of wealth and poverty, of strength and weakness, of population and misery, there was no measure within the power of the British Legislature to effect, that would afford a more extensive and permanent relief than this unlocking of the portals of the East, and rendering its almost illimitable commerce and resources accessible to all. There were many other points of the right hon. Gentleman's speech that he had taken notes of, and was strongly desirous of commenting upon. But at this late hour of the night (then twelve o'clock), and after the patient and indulgent hearing which had already been extended to him, he would pass them over till some future opportunity, and would now briefly advert to the third great division of the subject before them: namely, the plan proposed by the right hon. Gentleman, for the future government of India. The first announcement was, that the Company was to surrender all their property, political, military, and commercial, into the hands of the Government—in return for which the Government was to undertake to pay all its debts, amounting to upwards of 40,000,000*l.*: and besides this, to secure to the proprietors of India stock, the usual dividend of 10½ per cent on every 100*l.* of stock held by them, payable from the revenues of India, with a guarantee fund of 2,000,000*l.*, to accumulate at interest, as a source from whence to draw, in case of any deficiency; and that this arrangement was to continue for forty years, with power on the part of the Government to put an end to it in twenty years, on condition of the country redeeming the stock of the India proprietors, by paying them 200*l.* for every 100*l.* originally invested; or 100*l.* in principal for every 5*l.* 5*s.* of interest redeemed; which would be 200*l.* for every 10½ per cent. of interest redeemed. He knew not what other hon. Members might think of this, but for himself, after having given it all due consideration, he thought it a most impolitic arrangement. He did not wish to injure the Court of Directors, or to diminish the real capital and fair mercantile interest of the proprietors: he had no objection to their being paid every farthing that was their due; but he must say, that he thought by far the best arrangement would have been for the Government to have charged itself with the political administration of the country—to have taken the forts, buildings, and all other establishments, which were strictly territorial, and have become responsible for the territorial debts, the principal and interest of which might be fairly charged upon the revenues of the country; and then to let the Company do what it pleased with its commercial assets. If they were worth, as the proprietors contended, 19,000,000*l.* sterling—let them sell them, and divide the produce among themselves; and if it amounted to twenty, he should rejoice in their good fortune. Let them trade as a Company, in common with all others of his Majesty's subjects, if so they thought proper—or let them wind up their commercial affairs, and retire from business, if they pleased. But that should be left to them. The government of India should have been assumed by the Ministers of the Crown; and the revenues of the country be charged only with the territorial debt, which was sufficient indulgence to the Company, as the term of their lease was known to themselves; and if they had run an extravagant career, they alone ought, in strict justice, to be the sufferers; more especially as they or their predecessors, had, for so long a period (now more than two centuries) enjoyed enormous profits and emoluments at the public cost. In saying this, let him not be supposed to be speaking ill of the Directors or Proprietors, as men; his observations applied only to the system; he had no personal hostility to any single individual among the whole body. It was true that he had received at their hands no very great reasons to inspire him with gratitude; but he did not hesitate to say, that he entertained a high respect for several of the Directors, while among the Proprietors there were many for whom he felt esteem and regard: and as to the civil and military services in India, he had always asserted, what he would here repeat, his firm belief that no country contained a more intelligent and honorable class of officers than these, among whom he had lived for many years with friendship and pleasure; and no man, he believed, had ever been removed from the country, who carried with him more of their good wishes and regrets. In addition, however, to the improvidence of the terms of this arrangement, the time for which it was to endure was altogether too long. He had already stated his reasons why the political administration of India should not remain in the hands of the East-India Company for a single day beyond the period at which its transfer to the Crown could be made: but to lock up the country for forty years in their further possession was altogether unjustifiable. He was not one of those who generally fell into the error of having too high a veneration for the "wisdom of our ancestors;" but he could, in this instance at least, show, he thought, that we were not getting wiser as we advanced in the progress of settling our Indian affairs. The right hon. Gentleman, so well read as he was in Indian history, and so intimately acquainted with all its details, must remember, no doubt, that the first Charter granted to the Company by Elizabeth, about the year 1600, was for a period of fifteen years only; with a further provision, inserted by way of clause, "that if not found to be advantageous to the country, it might be annulled at any time under a notice of three years." He stated this on the authority of Mr. Mill, whose History of India was a work of the highest accuracy and research. And even more recently, indeed, in our own day, the proposition of the late Mr. Canning, in the discussions on the last charter, was to renew the exclusive privilege of the Company for ten years only; as he contended, and contended truly, that twenty years was much too long a period for which to tie up the hands of any government, or prevent their abrogating any delegated trust, if they found it advantageous to the nation so to do. But let us see how much more powerful were the reasons for a shorter term of Charter now than they ever were before. All the former Charters of the East-India Company were commercial, and they granted privileges to carry on a certain exclusive trade. There might, therefore, be some reason assigned for giving them a period long enough to realize remunerating profits if they entered into the trade at all. But now they were no longer to be traders. Their exclusive business would be to govern—and the Charter was to be granted to them for that purpose only. Upon what possible grounds could any claim so preposterous as this be made? To govern was the business of the Legislature, not of a Joint-Stock Company; and if the Ministers were incompetent to govern India, or unwilling to incur the trouble, let the possession be given back to its rightful owners. A country had no right to dominions over which it was incompetent to exercise its rule; and it was both unjust and unwise to extend the limits of our possessions beyond the power of the Legislature, through the Ministers of the Crown, to govern advantageously for the nation and for the possession itself. How much more important was it, therefore, now, than at any future period, to reserve to the Legislature the power, at a short but reasonable notice of time, to resume the trust it was about to delegate, and not to consign over 100,000,000 of our fellow beings, bound hand and foot, to the tender mercies of these Joint-Stock rulers, for a period of forty or of twenty years, during which the only care or anxiety of the proprietors would be to get the dividends on their stock punctually paid; and, when that was effected, their solicitude would be at an end. The right hon. Gentleman, in pursuing this subject, had passed over the various topics, of the mode of raising the revenue, of the judicial and military services, and many others, which could only be named at present, but must be discussed at some future time; and he (Mr. Buckingham) would follow the same course, in order that he might fulfil his pledge of confining himself strictly to the points touched on in the speech of the right hon. Gentleman, to which he would rigidly confine his reply. He approved, then, entirely, of the creation of a fourth presidency in the western provinces; and he thought the proposition of exempting the Governor General from all local cares, and giving him a supreme control, under a uniform system of jurisdiction throughout the whole of the presidencies, a most important improvement. As the right hon. Gentleman had quoted some high authorities in proof of the difficulties occasioned by the conflicting powers at present existing, he (Mr. Buckingham) would add three striking instances, which were in some degree connected with his own history in that country. The first was this:—Lord Hastings, soon after his arrival in India, perceiving that the discussion of public affairs, and the dissemination of facts and opinions, through the medium of the Press, was likely to be of as much benefit to

India as to any other country in which it had been tried, removed the censorship of the Press in Bengal. The governor of Madras, Mr. Elliott, wholly disapproved of this step, and not only did he refuse to follow the example in his presidency, but, when a public meeting was held at Madras, to vote an address of thanks to Lord Hastings for this act, the government of Madras threw every possible obstacle in the way of its accomplishment, and visited with its displeasure the distinguished individuals who ventured thus to express their approbation of what the highest authority of the country had performed as his own act. Not long after this, the circulation of the *Calcutta Journal*, then under his (Mr. Buckingham's) direction, having greatly increased, he entered into a contract with the Post-master General of India, to facilitate its despatch. In that country the newspapers paid no stamp-duty—a fact which he hoped the noble Lord opposite to him (the Chancellor of the Exchequer) would soon have to announce of the newspapers of this country—but in lieu of this, they paid a postage according to weight. For the sake of despatch, he (Mr. Buckingham) contracted to pay the Post-master General 3,000 rupees per month (then about 4,000*l.* sterling, per annum), for the free transmission of his Journal through the Company's territories; and that sum was punctually paid: but after its payment in Bengal, the governor of Madras, who hated free discussion, was determined that no Journal should pass free in his presidency, though the full postage on it had been paid; and he accordingly had them stopped at Ganjam, the frontier town between Bengal and Madras, and charged with postage all the way to their destination; and, on an appeal to the Governor General, under whose authority the contract had been made for all India, no redress could be had, and no refund was made. Another instance of these conflicting authorities was just as striking. Subsequently to his (Mr. Buckingham's) departure from India, a rule or regulation was passed by the Bengal government, and registered in the supreme court, by which alone it could obtain the force of law, and which empowered the local authorities to suppress any newspaper that gave them any displeasure. This law was carried into effect for the purpose of suppressing the *Calcutta Journal*, and destroying all the valuable property invested in its establishment, as well as the income derived from its extensive circulation; yet when the same regulation was brought before the judges of the supreme court at Bombay, it was rejected by them as wholly unconstitutional and illegal—and they refused to give it their assent: so that there were three different states of law at the three presidencies of India, respecting that most important subject, the freedom of the Press;—the one having certain rules, of no legal authority, but enforced by the terror of arbitrary banishment, without trial, if they were infringed; the other having a previous censorship, exercised by an officer of government, who read all the proof sheets before they were committed to the Press, and struck out whatever he pleased; and the third having a power by law to suppress any journal that was disagreeable to them, without even the form of a trial, but at their mere will, pleasure, or caprice. The learned Judge was, therefore, perfectly correct in the opinion quoted by the right hon. Gentleman, as to the extreme uncertainty of the state of the law; and no one but those who had lived under this state of uncertainty could fully appreciate its evils. As it regarded the Press, for instance, they had been told that at Calcutta the Press was perfectly free, save and except some very harmless restrictions; but these exceptions were somewhat remarkable. They prohibited all discussions on the conduct of the government, for that would be dangerous; they forbad all mention of the name of the bishop, for that would be disrespectful; they interdicted all criticism on the opinions of the judges, for that would be offensive; and they prohibited entirely all discussions that could have a tendency to excite dissensions in society, for that would give dissatisfaction. In short, the regulations for the free press (as it was called) of India, were a perfect epitome of the caricature of Figaro, in the Comedy of Beaumarchais, who describes his having obtained permission to establish a Journal at Madrid, under a perfect freedom of the Press, save and except some trifling restraints, which were necessary for the public peace and safety; and accordingly he says, that finding he must not speak of affairs of government, nor of justice, nor of religion, that he must not censure any books, nor criticise the performances of the theatres, that he must say nothing which should offend public functionaries, or excite the least difference of opinion in private society, he had determined to establish a paper which should avoid all these; and, to give it an appropriate title, he should call it "The Useless Journal." He would now pass on to the most important of all the subjects yet touched on with respect to India. It appeared, from the plan of the right hon. Gentleman, that increased facilities were to be given to the settlement of Englishmen in India, by allowing them to reside at the presidencies, and to go into the old provinces, without a license; and to be restricted only from visiting the new or unsettled provinces without an express permission from the local governments on the spot. The reason assigned for this relaxation, was the improved state of information among the natives, and the consequent greater safety of allowing the European settlers to go among them. Now, what was it that caused this improved state? Why, that very colonization, all partial and restricted as it was, and the Press, by which it was so constantly recommended; and it was not too much to say, that if the colonization had been still greater, and the Press more free, the improvement of the natives would have been, at the present moment, ten times as great as it is. It was worthy of remark, too, that all the civil and military servants of the East-India Company were now converts to the opinion that colonization might be allowed with safety and advantage; though the right hon. Gentleman had said, and said truly, that twenty years ago there was scarcely an advocate for colonization to be found among their ranks. The question, then, again occurred—What was it that effected this mighty change? Why, that very Press, which the Indian government oppressed and persecuted—and for which oppressions and persecutions the Home Government would afford no redress. The benefits that would arise from the admission of colonization, were the daily theme of the *Calcutta Journal*, from its first establishment, in 1818. Mr. Elphinstone, Mr. Bayley, Sir Charles Metcalfe, and Mr. Holt Mackenzie, were among its daily readers; and all were now agreed upon the advantages of colonization. Truth indeed was mighty, and would prevail. The only condition, it appeared, was, that there should be fixed laws, equally binding on all natives and Europeans. Now this was all that he (Mr. Buckingham) when in India, asked. At the period of his removal from the country, the edict was one of arbitrary power, without even the form of law—no trial, no defence, no appeal. The much-dreaded court-martial, which had been so much condemned for Ireland, would to him have been a blessing: a Hindoo tribunal, a Mahommedan divan, any thing which decided by known laws and fixed principles, he would have hailed as a relief; but all were denied. So much more highly did he value fixed laws than arbitrary power, that he would rather live under a government, where to breathe the name of the sovereign was punishable with decapitation and the exhibition of the head on a pike, than under a government where you were hypocritically told that you were free to say what you pleased, but who, on the moment of your saying anything that displeased them, and of which it was impossible to judge, you were liable to be exiled without trial, and punished with the ruin of all your past fortune and your future hopes. However severe the law, if it were known and well defined, an offence against it might be avoided; but against the arbitrary, despotic, and capricious exercise of power, there was no safeguard; and therefore it was so objectionable. It had been said, indeed, that it was not proper, in a country like India, to give unrestricted and unregulated liberty. Neither was it in any other country, for true liberty was the dominion of the law: and as to the necessity of establishing a strong government, to repress the evils of such liberty, of which the right hon. Gentleman had spoken, his answer was, that nothing was so strong as justice; and that a government which enjoyed the approbation of public opinion was stronger than one armed with all the civil and military power of the world. On this subject he was strongly tempted to enlarge, as it was indeed a fertile theme; but he would reserve to a future period, his observations on the advantages of colonization, on the absurdity of all pretended alarms as to collision with the natives, and the folly of pretending to grant leases of lands to individuals for sixty years, with a power hanging over their heads, that could banish them from the country without trial, within sixty days after the lease was signed—or, indeed, before the ink by which the signature was written on it, was dry. He rejoiced to find, that slavery was to be abolished in the East as well as in the West; and, he hoped, on easier terms. He was glad to find a Commission of Inquiry was to be appointed; as evidence and fact were the only safe grounds of legislation; and he hailed with pleasure the declaration, that the great interests of justice, knowledge, morality, and religion, were to be provided for. In conclusion, he would say a word or two on the capacity and resources of India, to discharge its present incumbrances; and the ease with which this might be accomplished. The debt of the India Company beyond its present capacity to pay had been stated by the right hon. the President of the Board to be about 40,000,000*l.*; and with this the revenues of India were to be charged. The debt was, undoubtedly, a very large one to be contracted by a trading company, and such as could have only grown up under a system of the greatest wastefulness and mismanagement, more particularly under the immense advantages which they, as a trading company, had enjoyed. But, great as it was, it was literally nothing, when compared to the splendid resources of the country—and not much when compared with its revenue, which was about 20,000,000*l.* annually. This was, however, but a miserable pittance for such a country to afford—a country of immense extent in surface—of enormous population—of abundant natural wealth in every form—of navigable rivers, accessible harbours, boundless coasts—and varied climates, capable of producing whatever the teeming earth could supply—from the rudest metal to the purest gems, from the palm and the plantain of the tropic, to the cedar and the pine of the snowy mountains; and all in perfection of their kind. He had no more doubt, indeed, than he had of his own existence, that India might be made to produce an annual revenue of five-times its present amount. Of what was the wealth of countries, and their consequent capacity to pay tribute to the state, composed? The elements were simple and few: the minerals beneath the earth—the vegetables above the earth—and the animals that grazed upon its surface. These were all the natural elements. The rest was wholly the production of population and skill. In all these, except the last, India abounded. Her precious metals and her gems, her rich savannahs and her fertile plains, her millions of frugal, patient, and industrious people, made her, in all these particulars, far superior to England itself. All that was wanted was to introduce into India, (which Colonization would do) the arts, and sciences, and useful knowledge of Europe; with that first requisite as a stimulant to production, complete protection of person and property, and the assurance that he who produced wealth should be certain of its unmolested enjoyment. Let this be done (and by free colonization alone could this be effected), and he saw no reason to doubt, but that in a few years hence, India might be made to produce a revenue of 100 millions sterling as readily as Great Britain now produced fifty. It had produced more, from the three provinces of Bengal, Bahar, and Orissa, in the time of the Emperor Baher, than it did now from three times the same extent of country: and in the time of Aurungzebe also, the revenue was much greater than at present. But if in Britain a population of 25,000,000 could produce a revenue of 50,000,000*l.*(besides having a large surplus for enjoyments), or 2*l.* per head, man, woman, and child, what was there unreasonable in the supposition that India, when blessed with the knowledge and freedom which England enjoyed, should, with four times the population, and with richer mines, more fertile plains, double and triple harvests, and a climate the most congenial to production of every kind—what was there to prevent her producing half the proportion of revenue yielded by England, or 1*l.* per head, for every individual in the state? The surface of India had been estimated at about 800,000,000 of acres, which was nearly equal to the whole of Europe, excluding only the barren and unproductive parts of Russia and Siberia: and from this extent of surface, only 20,000,000*l.* of revenue were raised, while, from the same extent of land in Europe (and no one would pretend to say that this was under the best possible management), no less a sum than 300,000,000*l.* was paid in revenues to the different Governments of all the European States, or thirty times more than was drawn from India, where the people were wretched and impoverished in the midst of inexhaustible wealth. He trusted, therefore, that the Ministers would pause, and the country reflect, before they consigned over again for another twenty years, the most valuable possession of the

Crown to the hands of those who, during two centuries of misrule, had produced to themselves only embarrassment and debt, and to the natives poverty and wretchedness. It was not thus that we should deal with the countries that we conquered, or the territories we acquired. As the happiness of the people ought to be the sole aim of every government, he hoped this would be provided for by every means within our power, that we should make this our first consideration, and regard all other objects as subservient to it. Then indeed, our boast might be—not like that of the haughty Spaniard, who proudly said that his dominions were so extensive that the sun never set upon them; but, that wheresoever the sun did shine on British ground, and wheresoever the British rule was known, there freedom, justice, knowledge, and happiness, were fostered and encouraged by every effort that the ruling power could bestow.

Mr. *Cutlar Fergusson* said, that though he had an extreme anxiety to put an end to the debate, yet he felt that as a Director he was called upon to make a few observations in answer to what had fallen from the hon. member for Sheffield. That hon. Gentleman had taken great pains, and had advanced every topic to show, that the government of India was a government by which India was ill governed, and which ought no longer to exist. The hon. Gentleman had opposed the Resolution for continuing the government of India in the hands of the Company, and the whole of his argument seemed to be derived from the assertion of Mr. Mill, who stated that in 1590 India was more flourishing than subsequently. To make a fair comparison he ought to have made the contrast when the Government of the country was in the hands of the Company. The hon. Gentleman had brought under review the state of India under Aurungzebe, and wished to make the Company answerable for the oppression of Nadir Shah, and then said, that because the country was not so prosperous as it was in 1590, the fault lay with the government of the Company. He (Mr. Fergusson) would venture to say that any person passing the frontiers of Bengal, and comparing the condition of that presidency, and the districts governed by the native princes, would see at once that in the one there was protection to person and property, and the other was given over to tyranny. He had no hesitation in asserting, that the government of the Company was a blessing not sufficiently appreciated, and his motive as a Director in wishing the government of India to be continued in the Board of Directors without any trade, was the opinion that they would have more time to attend to the interests of the people. His motive for giving up the commercial assets of the Company to the Government was the hoped continuance of this blessing to the natives of India. As to the question of patronage, if it could be better disposed of, he, for one, would be willing to give it up; but he must say, that there never had been patronage of such value, which had been distributed with more good faith, more honour, or more integrity, than the patronage of the Company. He recollected an instance of a Director who was brought to trial, upon suspicion of having improperly disposed of patronage, and was delivered over to the judgment of the Court. He could at least say, that the Company had acted honestly in the disposal of its patronage. The bad effects of Acts of Parliament, which the Company could not resist, were fixed on the Company. With regard to the charge of illiberality which the hon. member for Sheffield had brought against the government of India, he (Mr. Fergusson) could say, that so far from being illiberal, the Indian government permitted many hundreds of persons to reside in India without any licence. The hon. Member had alluded to his own case, and he had no hesitation in saying, as he had frequently said on former occasions, that he did not approve of the conduct of the Indian government towards the hon. member for Sheffield. It was an objection to the Company that though sluggish in improvement, they had been active in destructive and wasteful wars—but it should be recollected that the Company never brought this country into a war in India; on the contrary, the Company were constantly protesting against every war. In fact the Board of Control, and Governors General were the parties to be charged, if charges could be justly made, for the Court of Directors were indisposed to war, even where their interest sometimes called upon them to assume a hostile attitude. Another point was the state of the law, and certainly the right hon. Gentleman (Mr. Charles Grant), had not overstated the great inconvenience arising from the confused state of the law. The discrepancies and anomalies were great and revolting; improvement was most desirable; but this was a subject which must be touched with a tender hand.

Mr. *Hume* rose to inquire of the right hon. Gentleman how much time was to intervene before he would take any further step with this measure? He protested against granting the Charter for a period of twenty years, and he thought that the very longest period to which it should be extended was ten years. He did not intend to make any further observations on the subject for the present, and his only purpose in rising was to ask when the right hon. Gentleman expected to bring in a Bill founded on these Resolutions, or what the next stage was to which he meant to proceed?

Mr. *Charles Grant:* I shall bring in a Bill as soon as the Resolutions have passed the House—at least a day or two afterwards.

Resolutions agreed to. House resumed.

IMPRISONMENT FOR DEBT.] The *Solicitor General:* I rise with much reluctance at this late hour (one o'clock), to trespass on the attention of the House; but as I have been taunted by several hon. Members for postponing this Motion, and the delay which has already arisen has occasioned great disappointment out of doors, I must now beg to be permitted to give a short outline of the measure which I have to propose for abolishing imprisonment for debt, and for reforming the Law of Debtor and Creditor in this country. If I have the honour to obtain leave to bring in the Bill, and it is read a first time to-night, I shall name a distant day for the second reading, so that Members may be fully acquainted with its details before they come to the discussion of a plan of such importance and novelty. I could not venture simply to recommend abolishing imprisonment for debt, without substituting new remedies to enable the creditor to obtain satisfaction from the property of his debtor. The direct modes by which the property of the debtor can now be discovered and seized are so defective, that, till they are altered, it is probably necessary to give a power to imprison his person for the purpose of indirectly reaching his property, and compelling him to do justice.

The object of the law upon this subject ought to be to enable the creditor, upon his debtor refusing payment, first to ascertain and record his debt by the judgment of a Court, and then to obtain satisfaction from whatever property the debtor may possess, as expeditiously and at as little expense as possible. While the debtor is solvent, he must be forced to pay every creditor according to priority of demand and diligence; and if he be insolvent, he should be deprived of the administration of his property, that it may be divided rateably among all his creditors. Where he acts honestly, and makes a full disclosure and cession for their benefit, he ought to be discharged; as, if he contracted his debts with an intention and reasonable prospect of punctually paying them, and he is prevented by unforeseen misfortunes from doing so, he fulfils his obligation by surrendering the whole of his property, and he should be permitted to obtain his release without any unnecessary harshness. But the frauds of debtors must be guarded against; and if they buy goods with intent to cheat, if they secrete their property, or if they abscond from their creditors, they ought to be punished as criminals.

On these principles, I think imprisonment for debt may be abolished. On these principles the Bill has been framed which I have now the honour to propose. It originates in the labours, and I am happy to say, it has the approbation, of the Common Law Commissioners, to whom the country is already so deeply indebted for the improvement of our jurisprudence.

The first part of the plan is to allow any holder of a bond, bill of exchange, or promissory note, to have immediate execution,—when there is no question as to the genuineness of the instrument, and there is no reasonable ground of defence. Such is at present the law of Scotland, of France, and, I believe, of almost every other commercial nation. But, in England, the debtors upon such instruments may compel the creditors, before being entitled to process for obtaining satisfaction, to file declarations and replications, and to go to trial before a Jury, and to bring witnesses to prove facts about which there is no real dispute, although when the trial comes no defence be attempted. The consequence is, that no inconsiderable portion of the time of the Chief

Justice of England is occupied in trying undefended causes; great delay, vexation, and expense are occasioned unnecessarily; and the fund is often squandered among lawyers which ought to have been applied in the payment of just debts. I propose that, upon an affidavit being made of a party being indebted on a bond, bill of exchange, or promissory note, there shall be judgment and execution in a certain number of days, unless security be given absolutely to pay the debt and costs, or a Judge shall determine that there is reasonable ground of defence.

The property of the debtor is the only source from which satisfaction can be made to the creditor, and imprisonment for debt can only be justified as a method of getting at that property. It is found, however, in many cases, wholly ineffectual. The debtor taken in execution, goes to a prison, takes a house within the rules, conceals his property, lives luxuriously, and sets his creditors at defiance. If, indeed, his debts do not exceed 300*l*., he may be brought up under the Lords' Act, and compelled to make a disclosure and assignment of his property at the peril of transportation. But, strange to say, in a country which boasts of equal laws, there is no effectual remedy against him who owes much, and has the ability, without the inclination, to pay. I propose that in every case, on judgment being obtained, and a refusal to pay,—whatever may be the amount of the debt or damages, the debtor may be summoned before a Judge, and compelled to make a true disclosure of his property upon oath. If he fails to do so, he will be sent to prison as a criminal, to remain in close confinement till he conforms to the law. Such property as he discovers, or a sufficient part of it, the Judge will immediately assign to the creditor in satisfaction of the debt. On security being given, the Judge may have power to give a reasonable time for the payment of the debt, or to direct that it shall be paid by instalments. If the debtor makes a full disclosure of his property, and acts honestly, his person is free.

The next object of the Bill is to afford the creditor a remedy against every species of property belonging to the debtor. At present only half the freehold land can be seized unless there be two Judgments of the same Term, and copyhold land cannot be at all touched. Funded property is protected from process of execution; and bonds, bills of exchange, and such securities, are called *choses in action*, not *bona et catalla*, and, therefore, cannot be sold by the Sheriff. There is no reason for such distinctions, and they ought to be abolished. While an honest debtor, stript of all his property by unforeseen events over which he had no control, may be hopelessly immured in a gaol, will you suffer a man with 5,000*l*. a-year in copyhold land, or in the three per cents, to cheat a tradesman by going abroad or residing within the rules of the Fleet?

The next provision of the Bill is for the benefit of unfortunate and honest debtors, by carrying into full effect the principle which we have partially adopted from the civil law, of the *cessio bonorum*. At present, before a party can be discharged by the Insolvent Debtors' Court, he must be arrested and go to prison, and when liberated, his future effects remain liable for his debts. This is a harsh proceeding towards a man who has committed no fault, and is willing to do what is just; a person can hardly be the inmate of a gaol and leave it without contamination,—neither degraded in his own estimation nor that of others; and in going through this form of imprisonment and liberation a most enormous expense is incurred, which, of course, is all abstracted from the fund that ought to be divided among creditors. The insolvent, when discharged, feeling that if he subsequently acquires property, he is working for others—is generally listless, idle, or profligate for the rest of his days. The Insolvent Debtors' Court has, without reason, become exceedingly unpopular in this country. The Judges who preside there are learned, intelligent, and honourable men. The fault is not in them, but in the system of law which they have to administer. I have to propose, that hereafter a man who finds that he is unable to pay all his debts in full, but wishes to cede all his property to be rateably divided among his creditors, shall be permitted to do so voluntarily, without being cast into prison; and that if he makes a full disclosure and cession, it shall be lawful for the Judge under whose jurisdiction the proceeding has been conducted, and a certain proportion of his creditors, to grant him a certificate by which he will be entirely exonerated from all his past engagements, and thus beginning the world anew, he may avail himself of the bounty of his friends, and of his own industry, skill, and talent, to regain his station in society, and to provide creditably for his family. This will assimilate the situation of common debtors to that of traders subject to the Bankrupt-law. The legal definition of those traders is extremely arbitrary and capricious, and there seems little reason why there should not be one uniform system of insolvent law for all classes of the community.

So much for honest debtors. To fraudulent debtors I wish no tenderness to be shown; being fully convinced that there is more injustice on the part of debtors than of creditors, and that swindling produces more misery than an oppressive use of the power of imprisoning for debt. At present a single individual may buy goods on credit to any amount with the determined purpose of never paying for them but of selling them at a sacrifice for ready money and absconding with the proceeds; he may so abscond; or if arrested, and seeking the benefit of the Insolvent Debtors Act, he may wilfully make away with his property, or render a false account of it—without being directly liable to be punished for any of these misdeeds. That he may prey upon society with impunity, therefore, he has only to take care that he does not so associate himself with others as to be liable to be indicted for a conspiracy. To check such practices it is proposed to enact that it shall be a substantive misdemeanor, liable to be punished by fine and imprisonment, for any individual, under pretence of carrying on business in the ordinary course of trade, to obtain on credit any goods with intent to defraud the owner thereof; or to assist in disposing of goods so obtained; or to make any fraudulent grant or conveyance of property with intent to defraud creditors; or after petitioning to be discharged, to render any false account; or after judgment has been obtained against him by any creditor, to abscond or conceal himself with intent to defraud such Creditor or avoid making such disclosure of his property as by law is required.—I cannot help entertaining a sanguine hope that these provisions will have a powerful tendency to deter unprincipled men from contracting debts which they have no means or wish to pay. From the mere power of summoning and examining after judgment obtained, much may be expected. At present the person about to contract a debt fraudulently, knows that unless he chooses to petition the Insolvent Debtors' Court, not a question can be put to him; and before he goes through this ceremony, he has taken care to waste or to secret the whole of his property—for which reason it seldom happens, that there is a dividend for the creditors of even one farthing in the pound.

I now come to the most important part of the Bill, which is for abolishing imprisonment for debt, except in cases of fraud, and this not only on mesne process, but likewise in execution. It does seem extraordinary, that the power of imprisoning for debt on mesne process, which was unknown to the common law, should have been introduced and permitted so long in a country professing to have such respect for personal liberty. Every man not having privilege of Parliament, is at the mercy of every other man, and without any authority from any tribunal or Magistrate, and without any evidence of any debt, may be arrested and imprisoned for any sum; being left, when his credit is ruined, and he has suffered all the mischiefs of long and unjust confinement in a gaol, to the mock remedy of an indictment for perjury, or an action for a malicious arrest. There can be no doubt that this power has often been abused for the purposes of oppression and extortion. Upon an arrest on mesne process, bail may be given, if bail can be obtained; but will the House believe, that the expense of so giving bail exceeds 300,000*l.* a-year? And by so much are creditors prejudiced, for the benefit of bailiffs, and the lower class of legal practitioners. Bail being given, the plaintiff has gained but little, for there may at any time be a render to prison in discharge of the sureties, and he has got nothing but the person of his debtor, whom he is not allowed to cut into pieces, or to sell into slavery. An arrest may sometimes prove advantageous to the first creditor who resorts to it, but it is unjust to the others, for it generally leads rapidly to bankruptcy; and while he is paid in full, they who have shown forbearance, must be contented with a slender dividend.

Imprisonment for debt under process of execution has not generally been so much reprobated; but, upon due consideration, it will not be found less objectionable. The only legitimate, and the only recognized object of it in this country is, to enable the creditor to get possession of a sufficient portion of the substance of the debtor to satisfy the debt. It is not considered as punishment for the offence of being poor. But how is this object attained by the imprisonment of the debtor? Suppose that he is utterly destitute of property; suppose that he has a little, which he honestly wishes to yield up for the equal benefit of his creditors; suppose that he has sufficient property which he is dishonestly determined to conceal;—in each of these cases, where is the profit of mere imprisonment? Will it not be much better, according to the plan I have proposed, to allow voluntary cession to the honest debtor, and to summon and examine every man against whom a judgment has been obtained, with a power of directly assigning his property of every description, and of treating him as a criminal, on proof of fraud?

There is one occasion where imprisonment for debt may be fairly resorted to; and that I mean to retain and improve—where the debtor, instead of meeting his creditors and disclosing his property, tries to abscond from them, often carrying along with him the money of which he has defrauded them. In Scotland, arrest is admitted under such circumstances, even on mesne process, and on oath being made that the debtor is *in meditatione fugæ*, a warrant for his arrest is granted, commonly called a *fugy warrant*. In England, an arrest on a *capias ad respondendum* is frequently found ineffectual for this purpose. A merchant at Liverpool may discover that a person who is indebted to him is to take his departure next morning with considerable property in a ship for America, to return no more. He can only write to London for a writ; but before it arrives, the fugitive is beyond reach of process. I propose, that wherever a creditor shall go before any Magistrate, and swear to the debt due to him, and by affidavit state facts from which it may be reasonably inferred that his debtor is about to abscond with intent to defraud, a warrant to arrest may be granted, which may be immediately executed. If this be before judgment, bail must be given for the debtor's appearance, should there be judgment against him; if after judgment, he may be immediately examined respecting his property, and security may be required that he shall be forthcoming from time to time, till the Judge certify that he has conformed to the law.

Imprisonment for debt will thus be permitted only in the rare cases, where the debtor is justly treated as a criminal, on strong presumptive evidence of fraud. And, what a mass of human suffering will be put an end to! At this late hour, I will not trouble the House with returns from the various prisons in England and Wales; but I may venture to say, that every considerate man must be shocked and grieved by finding the immense numbers who are yearly immured in the gaols of this kingdom for debt, to the destruction of their credit, to the corruption of their morals, and to the utter ruin of their usefulness in society. Many persons in trade, who are in the habit of selling on credit, and shopkeepers in particular, I am aware, are exceedingly alarmed by the prospect of losing the power of arrest; but I am persuaded they will find that they have more than an equivalent in the new and effectual remedies afforded to them against the property of their debtors; and if they should become a little more cautious in inquiring into the circumstances and character of those to whom they give credit, perhaps it may be nothing the worse for the community, or for themselves.

I have been strongly urged, in taking away mesne process against the person,—by way of substitute, to allow it against the goods of the debtor; but, after great consideration, I have been obliged to dismiss this suggestion as inexpedient; for trade in this country could not be carried on, if a lien on goods might be acquired by a simple affidavit of debt; and as attachments against the goods, if permitted, would be far more numerous than arrests of the person, the expense of giving bail or security would be still more enormous.

I will not further fatigue the attention of the House. I am conscious of the disadvantages under which I have made this statement; but, defective as it is, I hope the House will see, that the plan, a faint outline of which I have described, deserves at least to be received and considered. Therefore, with sincere thanks for the great indulgence which I have experienced, I shall conclude by moving for leave to bring in a Bill to Abolish Imprisonment for Debt, except in cases of fraud, and for Amending the Law of Debtor and Creditor.

Mr. *Hume* expressed his thanks to his Majesty's Government for the introduction of the present measure, which, if carried, he was satisfied would be productive of great benefit, as well to the creditor as the debtor. He hoped his hon. and learned friend would lose no time in forwarding it, so as, if possible, to pass it during the present Session.

Sir *Robert Inglis* objected to a measure of such vast importance to the trading interests of the country being discussed at so late an hour, and suggested the propriety of ample time being afforded in order to enable those parties whose interests it principally affected to consider its provisions.

Mr. *Shaw* could assure the House, that the introduction of the measure before them was viewed by the tradesmen of the metropolis, whom it was likely most especially to affect, with feelings of the greatest apprehension. The generality of them were of opinion, that its enactments would shake all credit in the country. For his part he could not see how any of its details could be carried into practice.

Lord *Althorp* expressed the happiness it gave him to be a party in the introduction of such a measure as his learned friend had just detailed. He was convinced it would work in every respect most beneficially.

Mr. *Ruthven* suggested, that it should be extended to Ireland.

The *Solicitor General* doubted much whether the present Bill could be extended to Ireland, but admitted, that if it were, when carried into effect in England, found to work well, no time should be lost in proposing the introduction of a similar measure for Ireland.

Leave given; the Bill brought in, and read a first time.

* * *

HOUSE OF LORDS,

Friday, June 14, 1833.

MINUTES.] Bill. Read a second time:—Stamp Duties on Advertisements.

Petitions presented. By the Bishop of BATH and WELLS, from the Archdeaconries of Bath and Bedminster, against the Jewish Relief Bill; and by the same, from the same; and by the Earl of ELDON, from Durham,—against Irish Church Reform.—By the Earl of KINNOUL, from Perth, for the Restoration of the Drawback on Spirits made of Malt.—By Lords BARHAM and SUFFIELD, and another NOBLE LORD, from several Places,—against Slavery.—By the Duke of RICHMOND, from Halifax, and other Places, against the Local Jurisdiction Bill.—By the Earl of ELDON, from the Parish of All Saints Poplar, for continuing to the East-India Company the Privilege of Trading to India.

LIMITATION OF ACTIONS.] The Lord Chancellor moved, that the House should resolve itself into a Committee on this Bill.

Lord *Lyndhurst* said, that he had been requested to state to their Lordships the nature and objects of this Bill, and the principle on which it was founded; and he thought that when a Bill of this description or any other, introducing material alterations into the law of the country, came from the other House of Parliament, it was the duty of some noble Lord to state to their Lordships the nature and object of the Bill, and the principle which had been adopted for its basis. The title of this Bill was "An Act for the Limitations of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto." This Bill was founded on a principle that had long been recognized in the law of England, which was, that a long period of adverse possession should give an indefeasible right to the property. That principle itself owed its origin to the necessity, or at least the convenience, of quieting titles to property. The rule of law was, "*leges vigilantibus non dormientibus subvenient,*" and that rule arose from the circumstance that the evidence of title to property, however good that title was, might be lost; that the witnesses required to prove it might die; and other events happen, which but for the intervention of this rule might leave a lawful possessor at the mercy of a fraudulent claimant. From the earliest period that rule had been acted on in this country, but it had not been acted on according to any precise system, and for that reason it was necessary to introduce this Bill. In the early periods of the history of this country the limitation was taken from stated eras, as from the return of King John from Ireland, from the journey of King Henry to Normandy, and from the coronation of King Richard 1st. The length of the limitation varied, of course, with the change of period from which it was dated, and the law, therefore, at last adopted another rule, which was that of allowing only a certain number of years to be a limitation. He should not go through the various Acts which had been passed upon this subject; it would be sufficient for him to notice two of them. The first was an Act passed in the reign of James 1st, and the next in that of Henry 8th. By the Statute passed in the reign of James 1st it was enacted, that no entry on lands should be permitted after an adverse possession of twenty years; and as no entry could be made, no action of ejectment could be maintained; and that was then the ordinary mode of trying titles to land, so that no possessor of lands could have his title to them impeached in that form of proceeding after that lapse of time. Possession for twenty years was, therefore, a title to lands, but not an absolute title, for, according to the limitations contained in the Statute of Henry 8th, any real action might be tried, and the party turned out of possession after that time. This limited remedy of a real action, or an action upon a claim of right, and not of mere possession, was only applicable in certain cases. It was not applicable where land was held under wills, or by the provisions of marriage settlements, nor to cases where, in the language of the land, there had been no seisin; it was not applicable to cases of dower, of escheat, or of waste, and to a variety of other cases which it was not necessary for him to particularise; nor did it apply to cases of equitable title, and therefore their Lordships would perceive the incongruity of the law as it now stood. Besides this, it was not applicable to cases of limitations by fines. If a party who had gained a wrongful possession of lands levied a fine on these lands, after a non-claim of five years subsequent to the levying of the fine, his title was complete. The system of levying fines was enacted in the reign of Henry 7th, in consequence of the frequent changes in the possession of estates during the wars of York and Lancaster. This short period of possession which was to constitute a limitation, proceeded on the fiction of laws that fines were so notorious a mode of proceeding, that they might be considered a notice to all the parties interested to come forward and put in their claims; but though such was the fiction of the law, it was well known—at least in the present day—that the fact was not so in practice. He had stated these things to their Lordships in order to show that it was a principle of the English law to quiet titles, but that the operation of that principle was at this moment defective. The remedies which the law gave for the recovery of estates or for defending the possession of them, were at variance among themselves and inconsistent with each other, and they did not comprehend all persons and all descriptions of property. This Bill was introduced to remedy that defect, by laying down one uniform and consistent rule. That object was to be effected by legislating in this way, by providing that after a certain time the party holding adversely should thereby have an indefeasible title to the property. There were several advantages in adopting such a rule. The first was, that it would quiet the title to lands; the next was—which was not an immaterial consideration—that it would give security in possession, and, consequently, ease in letting, and facility in conveying, property. The material question, then, was that which had engaged the anxious attention of the Common Law Commissioners—what period of adverse possession should render the right of the possessor indefeasible? They had at last determined that a period of twenty years should be adopted, and this Bill was framed on that rule. They recommended that at the end of that time the adverse possessor of land should be considered to have acquired an indefeasible title, and after that time he should not be liable by any process of law to be expelled from his property. He thought that the Commissioners had come to a right conclusion in the limitation they recommended to be adopted. They had for a long time been divided in their choice between a period of twenty and of thirty years, and they had finally chosen the former. In the first place twenty years was the period fixed by the Statute of James as that after which no action of ejectment should be brought. Now, within the operation of the action by ejectment was comprehended the great majority of titles in the country for the proceeding by real action was limited to a certain number of cases only. If twenty years adverse possession was sufficient in the time of James 1st to defeat an action of ejectment, he thought, considering the increased facility of communication, and the increased intelligence of the country, their Lordships would be of opinion that that period would properly be applicable now to all the modes of trying titles in the country. Another consideration which made the Commissioners adopt the period of twenty years was, that that was the term admitted as a limitation in Courts of Equity. By the rules of those Courts no suit for lands could be instituted there after the expiration of twenty years, except in cases of fraud, and in others which it was not necessary for him particularly to advert to; and as so large a portion of the property of the country was subject to trusts, and liable to the jurisdiction of the Courts of Equity, it was convenient that the same rules should be applicable in similar circumstances in those Courts and in Courts of Law. He had already stated among the advantages contemplated by the present Bill that of quieting titles. Another advantage connected with that was this: A person selling an estate was obliged to make out a good title for sixty years. If there had been many changes of possession during that time, the abstract would be most voluminous, and the expense consequently enormous, and all that expense might probably arise from what had taken place in the earlier period of the term. By the change now proposed, conveyances of property would be rendered considerably cheaper—an object which, in a commercial country like this, it was most desirable to attain. Another beneficial consequence of the measure would be, that all trials of title to lands would in future be by actions of ejectment. That form of action was, of all others relating to the titles to land, the most simple and the least expensive. The old forms used in real actions were antiquated, obsolete, technical, and little understood. These forms would now be abolished. By turning to page 14 of the Bill their Lordships would see, that the following processes were abolished. 'Writ 'of right patent, writ of right *quia dominus* '*remisit curiam*, writ of right *in capite*, 'writ of right in London, writ of right 'close, writ of right *de rationabile parte*, 'writ of right of advowson, writ of right 'upon disclaimer, writ *de rationabilibus* '*divisis*, writ of right of ward, writ *de* '*consuetudinibus et servitiis*, writ of *cessa*'*vit*, writ of escheat, writ of *quo jure*, writ 'of *secta ad molendinum*, writ *de essendo* '*quietum de theolonio*.' He had read about one-fourth only of the writs to be abolished. He need not enter further into details. He would only add, that there were certain cases in which claimants, labouring under disabilities to sue, such as infancy, lunacy, coverture, etc. would still have their rights reserved to them, ten years additional being allowed them before an adverse possession was held to bar their claims. There was one other subject on which it was now necessary that he should say a word—he meant that of claims in cases of advowsons. The limitation he had mentioned was not applicable to the case of this important and valuable property. Advowsons could only be contested in cases of vacancy. Now, a vacancy might not occur within a period of twenty years. For the purpose of giving a reasonable limitation, another period was adopted with regard to advowsons. That period was a term of three lives, or three incumbrances, provided that they extended to sixty years, and if not, then a period of sixty years; but in no case was the limitation to exceed 100 years, although the three lives, or three incumbrances might go beyond that term. Having thus made their Lordships acquainted with the nature and object of the Bill, he should not say anything about the details of it, as he thought that it would be better to discuss the principle of the Bill now, and the details might be considered at a future time in the Committee.

Lord *Wynford* suggested, that the House should now merely go into Committee *pro forma*, and the discussion upon the details be taken on Thursday next.

The Earl of *Eldon* was anxious to have time to look into the Bill before the House went into a Committee. He was ready to admit, that it might be desirable to adopt the same period of limitation in Courts of Law and Equity, but he thought that some provision should be made for those cases in which the twenty years' adverse possession was now about to expire; and might expire before the parties could have the opportunity of putting in their claims so as to bar the limitation. In the desire to alter the law, these things did not seem to be sufficiently considered; and when he looked to the measures then before that and the other House of Parliament, having for their object most extensive alterations in the existing laws, it appeared to him that professional men, if those measures were carried, would have to begin their legal studies over again. So numerous were the alterations contemplated with respect to landed property, that it would be soon necessary, when a gentleman went to amuse himself on his estate in the country, to take an expert solicitor and a clever barrister with him to inspect his title-deeds, and ascertain the validity of his rights.

The *Lord Chancellor* admitted the difficulty started by the noble and learned Earl, but said, that that must always be the case when Statutes of Limitation were introduced. He did not see how that difficulty could be avoided, for if time were given before this Bill came into operation, the effect would be to bring a number of worthless and unfounded claims into the Courts, brought there for the sole purpose of avoiding the operation of the Bill. This evil had been felt in passing Lord Tenterden's Bill, but there was no attempt made to avoid it, and indeed it was distinctly stated by Mr. Baron Hullock, at York, that the Bill was intended to have the effect of inducing men to bring actions at once. He really could not agree with what had been asserted by the noble and learned Lord (Lord Eldon), that if these Bills were allowed to pass, every title in the country would be altered. The Fines and Recoveries Bill, he had no doubt would make conveyancing much less tedious, and much less expensive. On another Bill, that for altering the law relative to debtor and creditor, to which the noble and learned Lord had alluded, he confessed he had strong opinions. The present law he had long considered as at once unjust and insufficient, and the Bill which had been brought into the other House, he had great hopes would materially improve it. In vindication of the Government, he thought it right to state, that the subject had been opened by him more than a year ago, when he presented the Report of the Law Commissioners to their Lordships. They certainly had been in no great hurry since in their proceedings; but with interests so varied and so complicated to deal with, it was most desirable they should be wary in their conduct. This was the reason why the Bill was not to be pressed this Session—that the community at large might have ample time to discuss its provisions; for though a vast deal of information was already before the public from the Law Commissioners, still the mere existence of a document was not sufficient to command attention to the subject of it. He was quite sure, however, after what had now passed there, and what occurred the previous evening in the other House, that a matter so important to all parties, creditors as well as debtors, laymen as well as lawyers, would, between this and the next Session, receive from the public the most ample and mature consideration. He found, from a communication just made to him, that his hon. and learned friend the Solicitor General did state in the other House of Parliament an intention of passing the Bill he had just alluded to, during the course of the present Session. It was the intention of his hon. and learned friend, he had understood, to open the Bill with the view of not passing it during the present Session, but as it was the wish of several hon. Members of the other House that the measure should pass, his hon. and learned friend had yielded to their solicitations, and had opened the Bill as now stated. His (the Lord Chancellor's) opinion, however, still was, that it would have been a better course to have introduced the Bill, and let it stand over till another Session.

The Earl of *Eldon* again referred to the several measures before Parliament for the alteration of the laws relating to real property. He objected especially to the Bill for altering the law of curtesy, and to the Bill for rendering real property assets in all cases for the payment of simple contract creditors; measures which he conceived, if carried into effect, would produce alterations more injurious, and certainly more extensive, than those who proposed the measures had any idea of.

The *Lord Chancellor* was sorry to hear that his noble and learned friend's (Lord Eldon) objections to the Bill for rendering real estates assets for the payment of simple contract debts continued unabated. As their Lordships might probably, conceive, however, that they had had sufficient discussion on the laws relating to real property for one evening, he had no objection to let that Bill stand over until Thursday night next. At a more convenient time he should also be happy to meet his noble and learned friend on the subject of the proposed alteration as to the law of curtesy. He should only say now, that he believed his noble friend's apprehensions as to the evils which might result from the proposed alterations were greatly exaggerated.

Lord *Lyndhurst* said, he had a striking exemplification of the probable effects of the Bill rendering real property assets for the payment of debts in a case which came before him that day. A creditor filed a bill in equity to recover a debt of 64*l.*, charged upon a real estate, and the costs of the suit amounted to 1,200*l.* Now it was precisely the same machinery which had operated this result with which the proposed law was to be carried into effect; and, in the opinion of very competent persons, unless some new machinery was devised, if the Legislature passed that Bill, it would inflict a great curse upon the country.

Bill committed *pro forma*, and to be recommitted.

HOUSE OF COMMONS,

Friday, June 14, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. PEASE, an Account of the Number and Value of Country Bankers Notes Stamped in each quarter of a year, from January, 1826, to January, 1833.—On the Motion of Mr. RUTHVEN, an Account of the Amount of Grand Jury Cess of each Parish in the City of Dublin, during the last seven years. —On the Motion of Mr. HUTT, an Account of all the Sums received and disbursed by the Trinity House of Hull, during the last ten years.

Bills. Read a second time:—National Debt; Parish Apprenticeship; Drainage Rates Recovery; Parochial Rates Exemption.

Petitions presented. By Captain CHETWYND, from Stafford, for the Abolition of Slavery.—By Mr. PEASE, from Malbridge, Durham, against the General Register Bill.

INQUEST ON CULLEY—ADJOURNED DEBATE.] The *Speaker* said, that the question before the House was, that the Petition presented by the hon. member for Bath do lie upon the Table.

Mr. *Macleod* said, that he had not the benefit of much parliamentary experience, but from the little he knew, he should infer that it was not at all the practice of the House to receive such petitions as the one under discussion. If the House countenanced the reception of a petition from Jurors, complaining that their verdict had been set aside by a superior Court, it might next expect to be addressed by the Master of the Rolls, complaining that a decree of his Court had been reversed by the decision of a superior Court upon appeal. It had been argued that there was nothing to identify the parties assembled in Calthorpe-street, with those who issued the placard calling the meeting together; but he was of opinion, that the Government was bound to believe, that the intentions of the meeting, and the feeling of the meeting, were to be found in that placard. What was Government to do then, knowing as it did that the meeting would take place? It might be said, that Government could have taken one of several courses, and one course was, to do nothing at all. [*Cheers*] Was he to understand by those cheers that Government should have done nothing? But then, supposing that no notice had been taken of the meeting—supposing an immense multitude of people had assembled—supposing it had then been found necessary to call out a large military force—and supposing the military had come into contact with the people, and that much blood had been shed and many lives lost—who would have been so loud in condemning the inactivity of Government as the hon. Gentlemen on the other side of the House? It was said the meeting was contemptible, so was the conspiracy of Thistlewood contemptible; but it was not the less proper that such conspiracies and meetings should be suppressed, and not the less just that such men should be punished. If Government had taken no steps to prevent or disperse the meeting, one of two opinions would have been adopted by the people—either that the meeting was legal, or that the Government was too weak to prevent the meeting from taking place; either of which would have had a lamentable effect. If the ground had been pre-occupied by the police, what would have prevented the advanced guard of the meeting from taking another position, for choosing another open piece of ground? It was, he contended, not only the duty of the Government to disperse the meeting, but to take the ringleaders into custody; and he was convinced, from all he had heard, that the interference of the policemen had prevented much mischief. The blow which killed Culley was struck with a deadly weapon, while that man was discharging his duty. He lamented that the eloquence of the hon. member for Dublin had been exercised in justifying the verdict of justifiable homicide which had been given by the Jury. It was clear to him, from the evidence, that Culley had not exercised any unbecoming violence in the discharge of his duty. Being of that opinion, he concurred entirely with the line of conduct adopted by his Majesty's Ministers in taking proceedings to set aside the verdict.

Sir *Samuel Whalley* said, the greater part of the Jury were personally known to him, and he felt confident they were men who would act conscientiously upon their oath, and that they had given in this verdict simply upon the evidence laid before them. If, however, it was possible to believe that the verdict was against evidence, it still appeared to him that Government ought to act with caution in any attempt to set that verdict aside, after the deliberation that had been given to the subject by the Jury. He thought no defence could be set up for the course which Government had pursued, and therefore thought himself justified in impugning it. He was as anxious as any man could be to preserve the institutions and peace of the country; but in his opinion the conduct of Ministers was more calculated to increase disquiet than insure peace. The meeting was contemptible in every point of view, and was convened by only a very few individuals; and therefore the Government was not, in his opinion, justified in taking alarm, and calling out the military and police. It was really giving a greater importance to the proceedings than they deserved; for he was sure that the people—now that they had a House of Commons over which they could exercise some control—would never think of having recourse to the establishment of a national convention. He could not believe—looking at the placard by which the meeting was called—that the parties had the object in view which some persons attributed to them. As to that part which stated that the meeting was for the purpose of considering the propriety of having a national convention, they all new that a national convention had been formed in one country, from whose proceedings he would say, " God forbid he should ever see it established in this country." A society had also been formed in the sister country for the same object, but its proceedings were not only most peaceable but beneficial; therefore, the meaning of the words " national convention," was in fact very dubious, and it ought not to have created so much alarm. The placard also stated as another object, that they should endeavour to secure the rights of the people, and those were words that had often been repeated without objection at various public meetings, but he had never heard that they implied a subversion of the Government. He thought his Majesty's Ministers had acted very prejudicially; they should have treated the meeting with contempt, or at most have provided a force which would have prevented a great number of persons from assembling. Some time ago he had presented a petition from an individual who was wholly unconnected with the proceedings; but who, in returning home from his labour, was knocked down, and had his head cut open. He would ask the legal Gentlemen on the Treasury Benches, what would have been the verdict if that man had been killed under such circumstances? The Jury, as it appeared to him, could have returned no other verdict than murder. Then, was it prudent, was it right, was it sensible, of the Government to place themselves in that position when their acts were liable to such misinterpretation. He could not silently allow the privileges of Englishmen, the rights of the people, to be interfered with; but in this case not only was the Coroner's Inquisition set aside, but the Government took upon themselves to impugn the verdict of the Jury. At least they ought to take measures to have another inquest, so that, at all events, the cause of the death of the policeman should not be left in doubt, and the people be ignorant whether to call it murder or manslaughter. He believed that upon the occasion the Coroner had not acted in the manner in which a Coroner ought to act. His duty was to have pointed out to the Jury the law of the case. In place of doing so, he throughout showed a strong party feeling in suppressing part of the evidence which was brought before him. Even Colonel de Roos said, the people were very quiet, with the exception of a few stones being thrown, and in his opinion, there would have been no disturbance had the police not made an attack upon the people. Now, if the Coroner had acted properly, he would have explained to the Jury the difference of the law, as applied to the various degrees of guilt, in the case, and the verdict which the evidence would bear out. So far from attempting that, he wished to throw out a part of the verdict. He might have drawn it up in such a way as would have defied the Court of King's Bench to have set it aside. He had considered it his duty to say so much in vindication of the Jury, some of whom he knew to be most honourable men, and in his opinion they had acted most conscientiously.

Mr. *Pryme* did not consider that the question now was, whether the Coroner had done his duty or not; and, though he was to admit that Government had not taken the proper steps to prevent the meeting, still, he thought it was their duty to disabuse the public mind of the idea that a policeman, acting in the discharge of his duty, might be slain with impunity, even though he had exceeded the line of that duty. At all events the killing of Culley amounted to manslaughter, as was proved by the judgment of Chief Justice Best, in a case at Hertford, where a police officer had a warrant against an individual for a misdemeanor, and mistaking his duty, broke open a door and was shot. There Mr. Justice Best said, though a charge of murder could not be supported, it was a clear case of manslaughter. Under those circumstances it was clearly the duty of Government to have acted as they had done, and by applying to the Court of King's Bench have the verdict set aside. As the matter had already obtained so much publicity, he did not see any reason for summoning a new Jury. It was perfectly unnecessary. With regard to the finding of the inquisition, every body knew that a person guilty of such an offence as this never was tried upon that inquisition.

Mr. *Hardy* rose rather to put it to the House than for any other purpose, whether it could be useful and profitable to proceed with the discussion? The proceeding principally complained of was not a proceeding that tended to destroy Trial by Jury—it was merely the setting aside of an illegal verdict, which the Court of King's Bench was bound to do upon its being brought before it. The petitioners stated, that the proceeding was calculated to bring Trial by Jury into discredit, and they prayed that steps might be taken to prevent that. He knew not what steps could be taken, even if the petitioners' premises were right. The House had now been discussing this subject for nearly two days, and he was quite sure that, after all, it could only lead to a most fruitless result. If the conduct of Government, on this occasion, was to be called into question, that ought to be done on a specific motion, of which due notice ought to be given. It would not do at all times to treat such a meeting as this with contempt. Every one must know, that the meeting of 1780 was too long treated with contempt. If the conduct of the Coroner was to be impugned, it ought also to be by a specific motion. The Jury had committed an error, in consequence of which the verdict had been set aside [*"No, no, it was the Coroner's error"*]. He could not allow it to be said it was the Coroner's error. The Jury had subscribed to the verdict, that the policeman was in the peace of God and the King, that no breach of the peace had been committed, and that no offence had taken place; and the Jury were intelligent enough to have seen the discrepancy of this if they had chosen to look; and having made a trip, the Government were perfectly right in taking advantage of it; and he hoped the regular business of the House would now be suffered to proceed.

Mr. *Finn* said, the hon. Member who spoke last had asserted that there was no imputation cast upon the Jury; but how could such a statement be made, when it was notorious, that the Secretary of State had issued a Proclamation offering a reward for the conviction of the murderer of Culley—thus stamping the name of murderer on a man whom the Jury had declared to have been justified in what he had done? He thought that the conduct of the Coroner throughout the whole transaction was extremely culpable. The Coroner had attempted to influence the decision of the Jury, and during the inquest he had done all in his power to promote the selection of such evidence as would be likely to lead to a verdict of murder. In fact, it was evident that the Coroner was grossly partial, and no doubt, in preparing the verdict, he had kept back the first part from the Jury. The House should remember that it had been called upon to enact despotism in Ireland upon the verdict of the Jury at Carrickshock; and yet an hon. friend of his, who was present at that inquest, declared, that upon the same evidence, he should have brought in the same verdict. He admitted the general praiseworthy conduct of the police, and regretted that they should have been brought into disrepute by the Government. It seemed as if the Government set their faces against popular verdicts, and would only maintain such as were in accordance with their own views; but he implored Ministers to take a different course, and at least not fall into the errors and vices which had been committed in Ireland for the mere purpose of upholding their subordinates in the false steps they had taken.

Colonel *Evans* quite agreed with the hon. member for Bradford in the impolicy of the House entering into a legal or judicial discussion on the subject at the present moment; but with respect to the conduct of the Executive Government, he must confess he thought it a fair subject for discussion. There was a disposition on the other side of the House to throw blame on the Jury, for the purpose of removing it from the Coroner; now, in his opinion, if any blame was to be attached to either party, it was most decidedly upon the Coroner, and not upon the Jury. Whatever the results of the trial might be against the different parties who had taken part in the meeting, he thought the House ought to take the conduct of the Executive Government into consideration, and give its opinion upon it.

Mr. *Rotch* deprecated the attack that had been made upon the Coroner, without any notice whatever having been given to that individual or his friends. With regard to Ministers, the thing stood upon a different footing; the present discussion having been brought forward upon an understanding with them. With respect to the Coroner, he never could believe, that the charges which had been made against him were true. He had the honour of knowing him personally, and he would take upon himself to assert, that a more honest, conscientious, and upright man did not exist. He could not for his life see anything more in his conduct, than that he was astounded at the illegal conduct of the Jury, and had endeavoured, if possible, to prevail upon them to record a legal verdict. Hon. Members, instead of making these side-wind sort of charges against the Coroner, should come forward with a specific charge against him, as that would put the Coroner upon his defence; and he could assure the House, that he would be the last man to defend the Coroner if he thought that officer had acted improperly. In conclusion, the hon. Member deprecated such a discussion at the present moment, however much some hon. Members might feel gratified in making long speeches on the subject.

Mr. *Cobbett* said, with respect to impugning the conduct of the Coroner, he begged to remark, that it was not the fault of the hon. member for Bath that that Gentleman's conduct had come before the House; the Jury had petitioned the House in their own defence, and in the defence of their own character; and they prayed the House not to suffer a precedent to be laid down which would be injurious to the Trial by Jury. In defence of the Government and of his own conduct in applying to quash the inquisition, the learned Solicitor General had produced the inquisition of the Coroner to justify the steps he had taken. If he had not done that, the Coroner's conduct would never have been brought in question. If the hon. Gentleman (Mr. Rotch), who was a friend of the Coroner's, wished to take his part, he must throw the blame on the Solicitor General, and not on the hon. member for Bath. If the hon. member for Cambridge (Mr. Pryme) had been in the House yesterday, he would have heard the clear and satisfactory statement of the hon. member for Kidderminster (Mr. Godson), whose argument was the most convincing that the conduct of the Jury and their verdict were proper, and that it was the fault of the Coroner, in not drawing the inquisition in a proper form; therefore it was, that the Court of King's Bench had been called on to quash it. He (Mr. Cobbett) confessed that he did not perfectly understand the subject until he heard that hon. Member's speech. He wished now to observe upon what the learned Solicitor General said about the people, and he regretted that that Gentleman was not present. He had the greatest respect for that hon. and learned Gentleman, because he believed him to be a humane and just man. He had yesterday stated, that the mischief of that verdict was, that it would fill the people's minds with notions destructive of the peace of society—that it would tend to make the people ferocious, and make them believe that they might, whenever they chose, kill a policeman with perfect impunity; and he also said the consequences had been seen already, for he had observed it recommended in the public papers, that when the people went to attend public meetings, they should go armed with knives in their pockets—the description of knife being what he (Mr. Cobbett) understood a stiletto to be, and he observed, also, that this was the first time such things had been ever heard of in England. Certainly it was the first time they were ever heard of in England, and, indeed, never till now had they heard of police officers in England with daggers to their thighs, and pistols in their belts [Mr. *Lamb:* "No, no!"]. Perhaps not on the present occasion, but they had certainly been armed with pistols and swords once within the last twelve months [Mr. *Lamb:* "Not pistols!"]. He believed it was so, although the hon. Gentleman might not have been aware of the circumstance. However, it was something new in England to see peace-officers in uniform, embodied in companies and battalions, marching in rank and file, commanded by serjeants and colonels—under the mock name of superintendents. It was once the boast of Englishmen that we had no *gens d'armes* and no *mouchards.* Get rid of the *gendarmerie,* and let us have peace-officers of our own choosing, as formerly; if not, the people must arm themselves. They might say, that that would be destroying part of the institutions of the country, but were these policemen any part of the Constitution of England? Why, he was a grown up and a married man before ever the word "Police" was applied to a body of men in England; even the Attorney General might well recollect the time when there were a few — a very few police Magistrates with their 300*l.* a-year, and their few Bow-street Runners, as they were called in those days; but now there was a host of Magistrates, with salaries of 800*l.*, and whole regiments at their beck. Yes, whole regiments of policemen were supported by the parishes of London—there was the parish of Mary-la-bonne, which was taxed to the amount of 27,000*l.* a-year for the support of these troops, and yet they were taken away from the parish, and sent down to guard the gentry at Epsom Races. Oh, in fact, as he had often said, it was altogether an abuse from beginning to end. He had told the hon. Gentleman opposite (Mr. Lamb), that he knew it was the intention of Government to introduce the system in every village in England, and he would now say, that he was very much mistaken if a plan of that kind was not now before them. The fact was, and the intention was, that it allowed the Government to levy more taxes than they otherwise could do. Then, as to the illegality of the meeting—he did not yet know that it was illegal — he had not yet heard one single proof to convince him that the people had not a perfect right to have met on that occasion. These police troops had been complimented, and complimented too, as it appeared to him, in fear. He would allow, that there was cause for terror, for in fact they were now like the *mouchards*—the *mouchards* of Paris—half a dozen men, or even half a dozen of the Members of that House, could scarcely stand in the street now, but one of them reared his long blue body over them, peering into their faces, and trying to make out what they were talking about. He would tell the House some of their exploits, certainly not from personal experience, but it happened to a servant of his. He sent a servant of his from Kensington to Fleet-street, on a message. He got there, and was returning with a packet of letters, and it happened that a turkey had come from the country, and he was bringing it home only a little before dusk. Well, the police saw the man with the turkey, and one of them said to himself: "What! a poor man with a turkey!—a man in England with a turkey—and he not a gentleman—he must be a thief!" And had England really come so low, that a man, with a jacket, could not carry a turkey, but it was *primâ facie* evidence that he was a thief? Well, the policeman took hold of him when he was within the distance of 200 yards of his master's door; he instantly told the name of his master too; but no, that would not do, he must go back nearly half a mile, to what they called their station-house, he was kept there for a considerable time, when one of what they called their serjeants came in and broke open his parcel, when he found that the man's story was true, and they then let him go—sent him off with a sort of permit, stating to his master that he had been detained by them for so long a time. Oh, how had England fallen when such things were permitted! Now he would tell them another instance [*No, no!*]. "Oh yes (said the hon. Member) but I will though." He had been in seaports, in barracks, and at many of what were called low meetings, but he had never seen such a rude assembly as that; but he would tell them the story, and they must hear it. Well, then, he had two farm servants, whom he ordered to come to him early in the morning; they were doing so, each with a basket swung behind him over a stick. Well, they were jogging along, when one of these policemen came up and said: "You must come along with me to the station-house;" they rather demurred to that, and the fellow sprung his rattle, when six more of these "*gendarmerie*" came up, but the two men were stout, strong countrymen, and they drew their sticks out of the baskets, and laid about them with good effect; they laid three or four of the police on the ground, and the others made the best of their way off, like prudent men, or like cowards. He would warn the Government, that that was the way they would be served if they were sent into the villages of England. But now supposing, that one of the policemen had been killed, would any man have dared to say, that he was murdered in the discharge of his duty? What business had they to meddle with the men, who were only obeying the orders of their master? It might be said: "Oh, it was early in the morning." So it was, but that was what he had ordered them to do. Now, was it not humiliating to live in a country where you might be, and where you were, watched and dogged about — to have a fellow menacing you and looking after you wherever you go? He again called upon the Government to take a lesson by what he had told them, and be content with having their force in the metropolis.

The *Attorney General* said, that he owed an apology to the House for his absence yesterday—he would certainly have been in his place when the matter was brought forward, but he had two reasons to state for his absence. In the first place, he was yesterday engaged in the Court of Exchequer in his professional capacity, and in the next, he was not at all aware of the intention of the hon. Member to present the petition on that day. Much had been said by hon. Members about the weight which should be given to the verdict of a Jury — no man had more veneration for such decisions than himself, but much must depend on the temper and judgment with which the Jury were actuated. He agreed with all those hon. Gentlemen who urged, that the doors of that House should be open to all petitioners; but it was not a question as to who had a right to petition that House, but what could with propriety be done by the House. In order to go into the merits of the case, it was necessary to trace the proceedings. It appeared that a placard was first issued calling upon the people to assemble and form a national convention. Now, no man could shut his eyes to the fact, that the forming of a national convention would be to supersede the legislative functions of that House. He thought it quite unnecessary to go into any argument upon this question, and he declined contending against the assumptions of the hon. Members who led the House to infer, that they were better acquainted with the intentions of those who called the meeting than others were. Besides this placard there were other papers published, to which the placard might be taken as the text, and it was only fair to take these in connexion. It was necessary that the Government should be upon its guard to preserve the peace, but not necessary that it should swell the matter into undue importance by the issuing of a solemn Proclamation. A meeting being held, he would appeal to the plain sense and reason of those who heard him, whether it was not reasonable to infer, that the large meeting so assembled had been brought together by the placard, or was, in other words, the meeting intended to be held? What, then, ensued as respected the question before the House? Why, it was found, that the policeman was killed with a single blow by a weapon. And here he must differ entirely from the hon. member for Oldham, who supposed, that it was the habit of the people of this country, when pursuing their ordinary avocations, to be armed with such a weapon as that used to inflict on the policeman a mortal wound. It could not be credited, that the man who killed Culley was engaged in his ordinary occupation, but that he went armed to the meeting for the purpose expressed in the placard. It was a great mistake for Gentlemen who talked about this inquest to confine themselves to one side of the question. The Jury had found, that the death of Culley took place without any previous violence whatever. It was impossible for him, then, to remove from his mind the full conviction, that to say the death of that man, under such circumstances, was justifiable homicide—was, undoubtedly, against the law of England, and against the plain sense of every man. Gentlemen said, this verdict was an important document—he thought so too, and it was on that account it had been submitted to the high authority before which it had been laid. If Government had permitted this document, which had attracted the attention of all the people of England, to remain unquestioned, containing, as it did, not merely the assertion of a simple fact, but the proposition of law, that a policeman in the King's peace, and in the discharge of his duty at a meeting to which he had been called, was to be killed by any man without having offered a shadow of provocation, was justifiable homicide, the Government would have neglected their duty in a most essential point. Had the verdict been quashed by any illegal means? Was there any Gentleman in that House would say the Court of King's Bench was not the proper tribunal into which it ought to have been carried? And would any Gentleman deny the propriety of bringing it forward there [*hear, hear*]? A Gentleman opposite said "hear, hear." It might have been improper to have taken it into the Court of King's Bench, if that Court had refused the application made to it; but the very interference of the Court in quashing the verdict showed it to have been an illegal verdict, and that it was the duty of those who brought it there so to have done. For his part, he was a very humble individual, and his opinion entitled to very little respect; but he did conceive, in consequence of the reports he heard throughout the town of the nature of that inquisition, it to be his duty to call for the document, and having received it, upon a consultation with his hon. and learned colleague, they had come to the conclusion, that it was their bounden duty, unless they meant entirely to slumber in their legal office, to bring the subject before the Court of King's Bench. Government had taken that course which the law pointed out, and the consequence was, that the King's Bench had quashed the verdict. With respect to the finding of the Jury, he would assert, that he had come to the conclusion he had arrived at with no hostile feeling towards them, nor had he adopted that course, thinking that the Jury had intentionally misconducted themselves; he did not believe they had intentionally erred; and he very much mistook the feeling which actuated the Juries of England if he did not feel certain that they would be gratified by having any mistaken judgment of theirs set right by the highest legal authority in the country; and he thought he should belie the Jury if he did not say, that he felt thoroughly convinced, that after the feelings that at present existed were gone by, they would feel grateful for the course Government had adopted. No man in that House reverenced Juries more than he did; but in the same proportion as he reverenced, he would importune every Jury to take great care that they did not yield to the impression of the moment, to prejudice, or to passion, but would remember, that their jurisdiction had been given unto them by the laws of England to protect life and property, and that no men could exercise the awful responsibility intrusted to Juries, if they allowed themselves to be swayed by feelings and prejudice.

Mr. *Ruthven* thought the whole proceedings on the part of the coroner most disgraceful and scandalous, and deserved the reprobation of that House. He thought, that in bringing the subject forward in the Court of King's Bench, it had a tendency to induce a belief, that from the great array of legal knowledge against the unfortunate man who was to be tried for his life, he would not have a fair and impartial trial; and if he were convicted and executed, he would be considered merely as the victim of the despotic application of the law. He could instance some great cases in which a similar feeling had been manifested—viz. Lord William Russell, Sir Thomas More, and Sir Walter Raleigh, all of whom were certainly executed according to law, but certainly not according to justice. He would not further ransack the pages of history for instances, especially as an hon. Member near him had a petition to present; but, he believed, that it was not of much importance. The Under Secretary opposite had yesterday called the mob that broke the Duke of Wellington's windows, last year, a loyal mob; but, for his own part, he could only look on it as an outrageous mob.

Mr. *Lamb* had only used the word loyal from the circumstance of its having been an assemblage going up to address the King.

Mr. *Petre* was decidedly of opinion, that the Government could have acted in this affair in no other way than that in which they had. To say, that the death which had taken place in this instance was an act of justifiable homicide was to hold out a premium to riot and murder. As to the force which had been sent down to the meeting, was it legal or illegal? There could be no doubt of its legality, and, as one of the best lawyers whom this country had ever seen had said, it was the most likely force to get rid of, and would be the best mode of getting rid, of military power in this country.

Mr. *Roebuck* said, that his reason for bringing forward this petition at this time was, lest the proceedings which had been had recourse to should be regarded as a precedent hereafter; and he wished the country as strongly as possible to mark its disapproval of such a proceeding. There were three distinct points involved on this occasion—the conduct of the Government—of the police—and of the law officers of the Crown. As regarded the conduct of the police, no one in that House had risen up to attempt to defend it, except the Under Secretary opposite. Their conduct was highly impolitic and illegal. Admitting it to have been an illegal meeting, no breach of the peace had taken place, until a violent, unauthorized, attack was made by that force. The hon. Under Secretary shook his head at this, but that shake was opposed to the verdict, and to all the evidence given upon the inquest. The police had no right to make an unprovoked attack on his Majesty's peaceable subjects. The people cherished an inbred obedience to the law; that feeling would continue to grow until improper physical force was resorted to, and when Government could resort to that, instead of depending on their moral strength, resulting from the integrity of their course, and good feeling of the country, they might rest assured upon going to the wall. As regarded the police, he had formed a favourable opinion of them; but he was for putting down any improper expressions of public feeling—not by physical power—but by moral force. He felt the seriousness of the subject in all its bearings, and he could not but condemn part of the propositions of the hon. member for Oldham. The Government was not justified in issuing a Proclamation for the arrest of the man who killed Culley, as if he were a murderer. He complained of the manner in which the Solicitor General had spoken of his (Mr. Roebuck's) setting his opinion up in opposition to that of the four Judges, whilst he had abstained from mixing any personal observations—for which there was such a rich field—in his introduction of the petition. He understood the widow of the policeman was to receive a pension. [Mr. *Lamb* said, such was not the case. The Government regretted that it could not do so.] The law officers, and, in particular, the Attorney General, had avoided meeting what had been so ably said by the hon. member for Kidderminster, which drew such an able distinction between the verdict of the Jury, and that part of the inquisition drawn up by the Coroner. Indeed, as was shown by that hon. Member, the King's Bench had done more to impugn the conduct of the Coroner than he (Mr. Roebuck) had himself done. He had not set himself up in opposition to the four Judges of the King's Bench; but he had a right to say, that it had always been the case that four Judges could be found ready to support the Crown. From ship-money downwards, they had always been ranged on the side of despotism. He hoped that nothing that had now taken place would debar him from taking any further steps he might deem necessary.

The Petition was laid on the Table.

ARREARS OF TITHES (IRELAND).] The Order of the Day was read for going into Committee on the subject of Arrears of Tithes (Ireland).

Mr. *Sinclair* wished to ask his noble friend whether he really thought, that the money about to be voted for defraying the arrears due to the Irish clergy would ever be reimbursed? He was inclined to think, that, in this instance, as well as in many others, a loan was synonymous with a gift, and that it would turn out so in the end, when the period for repayment arrived. If the landlord was to submit to this burthen, he would, of course, raise it at the expense of the tenant, and would thus be placed in the invidious situation of a tithe proctor. He was not prepared to contend, that there might not be reasons to justify the payment of the sum asked for as a donation—but still he should be glad to know, if it seemed probable to his noble friend, that the whole, or any part of the money, would find its way back into the Exchequer of this country?

Lord *Althorp* had no doubt but it would be paid into the Exchequer, as it would be levied in the shape of a general land-tax.

Sir *Robert Peel* said, that he understood only such land as had not paid tithe should be subject to the proposed tax.

Lord *Althorp*: The plan was to have all titheable land taxed, but to allow receipts for tithes to be given in payment of the tax.

Mr. *Hume* said, it would be satisfactory to know if any of the money advanced last year to the Irish clergy had been recovered?

Lord *Althorp* said, that the amount recovered was very small.

Mr. *Barron* must take that opportunity of complaining of the extraordinary measures which had been lately used for collecting tithes. He had, that day, received a letter from the county of Waterford representing those measures as extremely harsh. That letter was from the inhabitants of a parish in the county, stating that the costs of tithe-prosecutions were enormous. He had a question to put to the noble Lord—how were the costs to be provided for? He advised that a total stop should be put to those proceedings; if not, Ireland would soon be in a worse state than she was in in the year 1798. His county was proverbially a quiet one, but now it was in the most dreadful state of disturbance, owing to the way in which tithes were exacted.

Lord *Althorp* replied, that the hon. Gentleman must be aware that the power of Government extended only to the debts due to it, and not to those due to individuals. With those debts, therefore, the Government could not interfere. He hoped that Gentlemen would find, that it would not be necessary for the future to have recourse to the proceedings already so much complained of.

Mr. *Henry Grattan* said, that on a former evening, the hon. Member (Mr. Shaw) had said, that, if he (Mr. Henry Grattan) was not greatly belied, he was one of the worst landlords in Ireland. Now, when he was about to make a statement as to a police outrage which had been committed on some of his own tenants—a statement, too, which would show, that he was not the bad landlord the hon. Member represented him to be—the hon. Member at once got up and interrupted him. Such conduct on the part of the hon. Member was anything but candid. The statement which he should now read to the House would show the absolute necessity there was for Government at once issuing positive orders to stop the police from interfering in the collection of tithes. The hon. Member here read a statement as to certain tithe proceedings in a parish in Monaghan under the incumbency of Dean Roper. It stated, amongst other instances, that the House of one of the tenants of the hon. Member was broken into by the police in enforcing an execution for tithes—that the owner of the house was assaulted by them, and one of his eyes almost knocked out—that his daughter was knocked down, and, in short, that the whole family was subjected to the most outrageous attack on the part of the police. It further stated, that in another instance, where a man was dragged to gaol, the chief constable of police refused to let him go unless he would give bail for the payment of 4½*d.*, which was the amount of tithe alleged to be due by him. If such proceedings were allowed to go on, the Government in Ireland, he must say, would be worse than no Government. If such tyranny was to be inflicted on the people there, it mattered little whether it was inflicted by Whigs or Tories, and he declared to God that he thought the Tories would have acted better had they been in power. The recent case of Mr. Walsh in Dublin, he was of opinion, reflected indelible disgrace upon the Irish government. He had never read of any thing more tyrannical under the sway of Buonaparte than was now practised, with the permission of Ministers, in Ireland. The tyranny of which he spoke was exercised by men employed under the Irish government—men whom that government had not the courage to dismiss, though it knew, as well as he knew, that they were doing all they could to undermine it. Such proceedings had spread universal discontent and dissatisfaction throughout Ireland. For his part, he thought that domestic tyranny was preferable to foreign tyranny at all events; and if ever the day should come that it would be necessary to fight the battle, he would be one that would be most ready to join in the ranks. Was it to be endured that, as was the case in the instance of his tenants, the houses of men should be broken into during the night, and their wives and daughters insulted and attacked? Let the House only refer to the case of Serjeant Shaw, and see the libidinous answer which was in that instance given by a police-officer to a man who was taking care of his daughter. Some check should be at once imposed upon those instruments of injustice and of vengeance. He thought that his Majesty's Ministers should not lose a moment in declaring that those proceedings were unconstitutional—no, not unconstitutional, for they had no constitution in Ireland—but that they were illegal, and that they should cease directly. If the right hon. Gentleman, the Secretary for Ireland, did not give a decided opinion to that effect, he should feel it his duty to move, as an amendment on the Motion of the noble Lord, the Resolution which had been brought forward by his hon. friend, the member for Waterford, the other night, and which, while it was not a censure on Government, would pass a censure upon the conduct of all those who had taken part in proceedings such as he had described.

Mr. *Littleton* said, he was sure the House would pardon him for not entering into arguments and topics that might add to the excitement which already prevailed on this subject. He must say, that he had his doubts as to whether the statement which the hon. Member had read to the House with regard to recent occurrences in Monaghan would turn out to be a correct account. He had frequently heard statements of a similar description made in that House, and on reference to the Irish office, he did not find that they were at all borne out by the information that had been received there. With regard to the two cases adverted to by the hon. member for Kildare—namely, the cases of Sub-inspector Flinter, and Serjeant Shaw—what was the course which had been pursued in those instances by the Irish government? He would tell the House what it had been. Sub-inspector Flinter had been dismissed; and the moment that the Lord-lieutenant heard of the case of Serjeant Shaw, his Excellency ordered that Serjeant Shaw should be brought to trial. There had been two distinct charges against Serjeant Shaw. The decision to which the Magistrates came on the first inquiry, he was ready to admit, surprised him as much when he first read it as it did any hon. Member in that House. He thought that the opinion which the Magistrates then pronounced—namely, that the conduct of Serjeant Shaw had been injudicious—was, to say the least of it, an extremely lenient sentence. That inquiry was followed in a few days after by another investigation into the conduct of Serjeant Shaw, and the result of that investigation was, as he had already stated, that Serjeant Shaw was ordered for trial. That fact he trusted would prove the determination of the Irish government to do its duty. With respect to his illustrious friend now at the head of the Irish government, he was enabled, not only from his long personal intimacy with him, but from the correspondence which had taken place between them since he had entered his present office, to say this of him—that he was persuaded there did not exist an individual who had witnessed with greater pain than his illustrious friend had, the transactions which had recently occurred in that country with regard to tithes. It was only that day in a communication which he received from the noble Marquess, that his Excellency called his attention to the fact that in no case should military aid be granted unless where there was an affidavit made, that the life of the tithe-proctor or process-server, as the case might be, should be in danger. Of course when such an affidavit was made, it would be impossible for the Government to refuse the aid required. It was the obvious duty of Government to afford protection to property; and he could not allow it to be said, that tithe property was not entitled to the same protection as any other description of property. He would not go further into this subject on the present occasion. He trusted, that the statement which he had made with reference to the two cases adverted to by the hon. member for Kildare, namely, that of Sub-inspector Flinter who had been dismissed, and that of Serjeant Shaw who had been ordered for trial, would prove satisfactory to the House.

Mr. *O'Connell* was certain that he was expressing the sense of that House, as well as his own, when he declared that the explanation of the right hon. Secretary was satisfactory. Nothing could be more proper than to put Shaw on his trial; and the Kildare Inspector, though he had heard his conduct on former occasions was praiseworthy, deserved for this last act of his to be dismissed. He and all the House must be satisfied with what had fallen from the right hon. Secretary respecting those two cases.

Mr. *Fergus O'Connor* said, that nothing could be more satisfactory than the right hon. Gentleman's explanation as to the cases of Sub-inspector Flinter and Serjeant Shaw; but there was another part of the explanation of the right hon. Gentleman which, in his opinion, was anything but satisfactory. With regard to the statement which had been made by the hon. member for Meath, the right hon. Gentleman said, in reply, that he had frequently heard similar statements, which, on referring to the information received at the Government offices, he had discovered to be unfounded. Now, that was what the Irish Members had to complain of. They complained that the Government received its information from corrupt sources—sources that were calculated to mislead it, and to conceal the truth. The case which had been mentioned to the House by the hon. member for Meath had not been contradicted, and the explanation of the right hon. Gentleman in that respect, so far from being satisfactory, appeared to him to hold out the most gloomy prospects for the future.

Mr. *Littleton* said, that the statement of such cases, instead of being delayed, as was generally the case, for two or three weeks, for the purpose of being mentioned in that House, should be brought at once under the notice of Government, by laying them before the Irish-office, and redress would be granted, if it should be proved that the parties complaining were entitled to it. If the hon. Gentleman would move for an inquiry on the subject, it should be granted; and if he would give him (Mr. Littleton) a statement with regard to it, he would himself institute an inquiry into it, and he would subsequently state to the House what had been the result of an inquiry which should be conducted without favour or affection.

Mr. *O'Ferrall* observed, that if the right hon. Gentleman who had just sat down, acted up to the professions which he had made since he had been in office, Ireland would have reason to rejoice at the change which had placed him in the situation which he now held.

Mr. *Ronayne* agreed with the hon. member for Kildare, who had just sat down, that they had reason to congratulate themselves upon the tone of the right hon. Secretary for Ireland, so altered and so different as it was from the tone of his immediate predecessor in that office. It had been stated by the noble Lord, the member for Nottingham (Lord Duncannon), on a former evening, that the case of Captain

Gunn was the only one which had occurred in the province of Munster. Now, he (Mr. Ronayne) had that morning received a letter from Tipperary, which proved that such was not the case, and which, indeed, showed that the noble Lord the Chancellor of the Exchequer had nearly as much reason to complain of the conduct of the police in this instance as the people of Ireland had. The writer stated, that the police in that part of the province of Munster were at this moment actively employed by night, as well as by day, in hunting and driving the people for tithes; that the writer having asked a constable of police how he could act so, in the teeth of Lord Althorp's declaration in the House of Commons, his reply was, that they had received no orders to desist from such proceedings, and that they would not desist from them until they had received orders to do so: and the writer concluded by stating that the police had been much more active in those proceedings since the noble Lord's declaration had appeared in the papers. It was satisfactory to find, that the sub-inspector Flinter had been dismissed. Yet it was strange enough, that within the last forty-eight hours a letter from that officer had been triumphantly referred to by the right hon. Gentleman, the Colonial Secretary, amongst other documents in the course of a speech which he addressed to the House.

Mr. Secretary *Stanley* said, that he had certainly quoted the letter of Captain Flinter, but he had likewise quoted the answer sent to it by the Irish Government; and it was because the explanation given by Captain Flinter, in reply to that answer, was not satisfactory that he was dismissed.

Lord *Duncannon* said, that he had not said that the case of Captain Gunn was the only one which had occurred in Munster, but that it was the only one mentioned in the House.

Mr. *Shaw* said, he was glad that the right hon. Secretary (Mr. Littleton) had already learned from his short experience in Irish affairs how little reliance was to be placed on such exaggerated statements as the House had heard that evening. The charge of costs being vexatiously put by the clergy on their parishioners was very easily answered. With regard to those arising out of the arrears of 1831, they were by Act of Parliament vested in the Crown. Sums large and small, returned as they must be on oath in the schedules of the clergy, were included in one order, but the people had abundant notice, that unless the money was paid, they would be proceeded against, and the smallness of the sum was an additional proof of the combination against the payment. That arose from no inability to pay—if it did there might be some reason to feel for those persons—but the very basis of the Resolutions now about to come before the House—and the same fact was recited in the Act of last year—was, that a general combination against the payment of tithes existed, and that thereby the clergy had been reduced to extreme distress. The same cause prevented the clergy themselves from proceeding for the other arrears in the ordinary and cheapest way before Local Courts, for the processes issuing from these Courts could not be served, nor the decrees executed, unless at the risk of the lives of the subordinate officers of the law who undertook them. The hon. member for Meath (Mr. Grattan) would scarcely venture to affirm as a lawyer that there was no power to break open houses in case of debts due to the Crown. The question was not whether it would be wise, or politic, or expedient, but whether, in strictness, he was correct in stating that it was illegal. And suppose a single constable did transgress his duty, would that be a sufficient reason that the hon. member should so vehemently evoke the shade of Napoleon? He did not say that the hon. Member was the worst landlord in Ireland, but at the moment that the hon. Member was so violently attacking the clergy of the Established Church, he (Mr. Shaw) could not avoid mentioning a conversation that he casually had with one of them the same morning, in which he stated that no person's tenants were more hard driven than those of the hon. Member, and that he did not think if the hon. Member had been for three years deprived of his income that he would treat his tenants with one-tenth of the forbearance and lenity the clergy did their parishioners. It was really intolerable to hear a body of men whose conduct was above all praise, thus spoken ill of in that House. If tithes as a system were to be assailed—if the Established Church was to be overthrown, let that be done in an open and manly manner, as some hon. Members, he would admit, had done, by candidly avowing in that House, that they had advised and would advise the law to be violated in this respect; but what he protested against was, the mean, petty, paltry, pitiful, personal abuse of individuals who, suffering under this very violation of the law, were seeking, after having endured with unexampled patience three years' privation of their legal maintenance, to recover some portion of their just rights. He was sorry to have been a party to this irregular discussion; but he did not commence it, and could never hear these unjust accusations brought against the much-maligned and oppressed clergy of the Established Church in Ireland, without indignantly refuting them.

Mr. *Ruthven* was disposed to recommend the House to proceed at once to the other Orders of the Day, rather than that it should prolong one of those desultory debates upon this question, which daily led to more altercation than beneficial discussion. His Majesty's Ministers were deluding themselves, and following an *ignis fatuus*, if they imagined that they would satisfy the people of Ireland by the course they were pursuing on the subject of tithes. If they laid on a land-tax, and had still a race of proctors to collect it, they might depend upon it that their measure would not at all satisfy the people of Ireland. He would advise hon. Members to take advice from the Commander of the Forces (Sir Hussey Vivian) on this subject, who had stated that the abolition of the tithe system was absolutely necessary for the tranquillity of Ireland. It was vain to expect peace, or harmony, or good feeling in Ireland, until the present justly obnoxious system of tithes was abolished.

The House then resolved itself into a Committee upon the Arrears of Tithes' (Ireland) Bill.

The Chairman read the Resolution, "That it is the opinion of this Committee, that an advance of money should be made to the clergy of the Established Church in Ireland, to relieve the occupying tenantry from the payment of the arrears due for tithes, and composition for tithes, during the years 1831 and 1832, and from the payment of the tithes and composition for tithes of 1833; that such an advance shall be repaid, in a limited time, by a land-tax in Ireland, chargeable upon all the land liable to the payment of tithes, the owners, or occupiers of which shall not have paid the tithes, or composition for tithes, which shall have become due from them for such years."

Mr. *O'Connell* said, he differed from some Gentlemen with whom he generally agreed upon this subject. He took those Resolutions as a proof of a disposition on the part of Government to put an end to the bad system under which tithes were levied, and to the civil war which they occasioned. If there was anything to which he objected in the plan, it was the manner in which the land-tax was to be raised. One of the great grievances attending the tithe system had always been, that they were raised by distraint. Under the present plan, the same system of distraint, and all the distress which usually accompanied it, would continue. A great deal had been said upon the subject of breaking open houses in order to distrain for goods. He did not believe that under the Act of last year there was any such power given. His opinion was, that the clergy had done injury to themselves by their late conduct: they were very indiscreet in carrying the measures for the recovery of their tithes so far. They had broken doors in order to distrain, and that he would contend, was illegal. He thanked his Majesty's Ministers for those Resolutions, for he took them as a virtual extinction of tithes in Ireland. That was as it ought to be; and the only difference between his Majesty's Ministers and him on the subject was as to the amount of the land-tax or quit rent to be levied. He felt certain, that if some measures of this kind had not been resorted to, there would have been a civil war throughout Ireland in three weeks. The whole country had been racked from one side to the other by the exaction of tithes, and the distress occasioned by them had become quite intolerable. He was satisfied, that his Majesty's Ministers had done well and wisely in bringing forward that Resolution. Such a state of affairs had never been known before. The clergy, irritated by being deprived of their tithes for three years, had proceeded to recover them in the harshest (and he would say on their own account) most imprudent manner. He (Mr. O'Connell) thought, that the Government ought to interfere to prevent them from pursuing the present system. They had proceeded harshly, and he (Mr. O'Connell) thought that they ought in their turn to be harshly dealt with. He denied that there was any law which obliged the Government to send soldiers out to collect tithes. Such a system was not only improper, but it was unnecessary, as the clergy had a remedy by applying to the High-Sheriff who could recover their tithes by the ordinary course of law. With regard to the Resolution proposed by the noble Lord, he observed, that the noble Lord stopped with the ecclesiastical tithes. Was the noble Lord right in that? Was he not aware that the lay tithes were fully as bad, and fully as obnoxious, as the ecclesiastical tithes? He (Mr. O'Connell) had a letter in his possession, in which it was said truly: "The lay tithes are the worst of all, and the most oppressive." The system of tithes was not confined to the clergy, and he would ask why the assistance was given by this Resolution to the proprietors of ecclesiastical tithes, and not to the proprietors of lay tithes? He would answer the question. This assistance was given to the clergy because by their harsh conduct they had created excitement in the country. He thought that this was a species of bounty to the lay impropriators to follow the same course. It was as if the Government said to them: "If you succeed in bringing the country to the state in which the clergy have brought it, you will then get your money comfortably." He would therefore press on his Majesty's Government the propriety of extending this Resolution to lay impropriators. What the Irish people complained of was, that when a measure was proposed which was intended to benefit them, it was frittered away till it was not worth the having; but when a measure of coercion was intended, they got too much of it. It would be better and more genial to them if the Ministers only bestowed on them the fragment of coercion, but the full measure of the benefit. He was happy to think that the right hon. Secretary for Ireland (perhaps he would allow him to call him his hon. friend) had commenced his career in that country in a way which was likely to give satisfaction. The first act done by him was the dismissal of Capt. Flinter, and the second was to order Serjeant Shaw upon his trial. No two acts could gain the right hon. Gentleman greater popularity. His conduct was evidently dictated by a spirit of conciliation, and the Resolution before them was in the same spirit. He did not, however, see why one parish in which the tithes were ecclesiastical should be relieved, while the neighbouring parish remained subject to the oppression of the present system merely because the tithes happened to belong to a lay impropriator.

Lord *Althorp* said, that as the hon. and learned Member called upon him to say to what extent he meant to carry those Resolutions, he thought it necessary to answer him. With respect to the lay impropriators, the hon. and learned Member would see that the Resolution then before the Committee was not meant to extend to them; it was only meant to extend to ecclesiastical holders of tithes. He (Lord Althorp) did not mean to pledge himself whether he should extend the measure or not; but he would say, that the Government would take the point into their consideration. It was true, as stated by the hon. and learned Member, that the course pursued by the Government in this instance, might be an encouragement to lay impropriators to follow the same course which had been followed by the clergy; but whatever was done—whether they continued the present system, or attempted a remedy, they ran some hazard; and he (Lord Althorp) was satisfied that there was less hazard in the plan now proposed, than in continuing in their present state. It was on that ground his Majesty's Ministers had brought forward the Resolution under consideration, and he was glad to find that it appeared to give satisfaction. Their object was, to restore the country to quiet and peace, and he felt confident that the clergy would meet them half way in that endeavour, by not persevering in their attempts to recover the tithes at present due, especially as they would not be in a worse situation by desisting. He hoped and trusted that the measure would have the effect anticipated from it.

Colonel *Perceval* said, that the question which he took the liberty of putting to the Noble Lord the other night, with respect to the lay impropriators, was put, not with a view of embarrassing his Majesty's Ministers, but in the hope, that, following up his suggestions, the noble Lord would render the measure so complete as to secure the peace of the country. It was broadly stated that night, by the hon. and learned member for Dublin, that oppression was carried to a much greater extent by the lay impropriators than the clergy. ["*Hear.*"] Those cheers were a justification of the clergy of Ireland from the aspersions which had been so unjustly cast upon them. It was well known, that the lay impropriators were not confined, except in a very few instances, to that species of income; whereas, if tithe were withheld from the clergy, having no other resources, they must be reduced to a state of utter destitution—and yet, notwithstanding all the privations which they had endured, scarcely a solitary instance of harshness on their parts could be adduced. The grant of last year enabled the clergy to receive half their incomes for 1831, but up to this moment, except in a few instances, they had been unable to recover a shilling of their tithes due since that period. The hon. and learned Gentleman, the member for Dublin, did not state the case fairly when he said, as he formerly did say, that the clergy in many instances were suing for tithe due the 1st of May. The fact was, that in these instances three years' tithe was due to the clergy, and it was a well-known fact, that when a landlord handed over his arrears of rent to be recovered, he invariably made out the account against the tenant up to the last gale day. And so it was with the clergy, although the account was made up to the 1st of May, there was, in point of fact, three years' tithe due. He, however, would take upon himself to say, on the part of the clergy, that the moment they were made aware of the intentions of the Government, a total cessation of the collection of tithe would take place. He merely rose for the purpose of shielding the clergy from the unjust aspersions which had been cast upon them. There never was a body of men who exhibited so much forbearance. This did not rest merely on his statement; he was fully borne out in it by the resolution of the tithe Committee, which described their forbearance as beyond belief. The Resolutions should have his cordial support.

Lord *Ebrington* hoped that an arrangement might be made by which the claims of the lay impropriators would be taken into consideration, because he was persuaded that the work of conciliation, of which he trusted in God the present measure was the commencement, would be inadequate and incomplete unless the terms of the Resolution was extended to the lay impropriators. He, however, rejoiced at the satisfaction which had been expressed on the Resolution before the House, and he trusted that the able talents of the hon. and learned member for Dublin would be directed in aid of the Government in this work of the pacification and conciliation of Ireland.

Mr. *Harvey* could not look at the terms of the Resolution with the narrow view under which it had as yet been contemplated. He objected, in the first place, that the people should be called upon to make up a deficiency which had been occasioned by, and which flowed out of, lawless violence.

Lord *Althorp* intimated that those who had paid their tithes would be allowed to put in the receipt in payment of the tax.

Mr. *Harvey* resumed, and contended, that the proposition amounted to a premium to lawless violence, and an invitation to resistance to tithes, because it could not be supposed that the tithe-payers in England, who paid 7*s.* or 8*s.* an acre, would remain satisfied when the tithe-payers in Ireland, who paid only at the rate of 1*s.* 3*d.* an acre, by resistance, obtained the relief now proposed. He did not rise to oppose the Resolution, but to express a hope that in the present critical situation of the Government, they would assume the spirit of this Resolution as the basis of their future measures; and he regretted that the noble Lord opposite was not prepared to carry that principle at present into effect as regarded the United Kingdom. He was convinced that nothing would satisfy the expectations of the people, both of England and of Ireland, but the total extinction of tithes; he would raise a tax in any way to supply their place, and deal out the revenue to national purposes and the support of the Church. By such a policy he maintained, that the stability of the Government would be secured, and the duration of the Church establishment extended. The Government had difficulties to meet with in the Church question in another place; and of this they might be assured, that if the Resolution was not extended to this country, they would not only be defeated, but defeated with the execration of the people. On the other hand, he was satisfied that if the Government would come forward with any measure in this respect to meet the existing feeling in the public mind, if beaten elsewhere, they would fall regretted by the people. The great complaint, however, he had to urge was, that money was the source by which the Government relieved itself of all its difficulties. It was adopted to call in aid the support of tardy friends, or to quiet determined enemies. It had been stated, that with reference to the West India colonies, a loan of 15,000,000*l.* was to be granted, but that loan subsequently turned out to be a gift of 20,000,000*l.* He knew not how far this might be followed in the present case, but he objected to the taxation of the people for this purpose. If funds were wanting, he would suggest to the noble Lord, the Chancellor of the Exchequer, to resort to the Governors of Queen Anne's Bounty, who had 1,500,000*l.* of "cash in hand." The only certain thing in the present Resolution was, that it inflicted taxation upon the people, and the only good he saw was, that it issued a proclamation to the farmers in all the counties in England and Ireland, that to avoid the payment of tithes they had only to say they did not relish them, and join in the Irish agitation to get rid of them. Reverting to the great principles involved in the terms of the Resolution now before the Committee, he could not but express a wish that the Government might have the firmness and fortitude to speak out boldly to the people of England on the subject of Church Reform and the abolition of tithes: if the Government should do so, they would secure a permanent hold on the affections of the country, and it would signify nothing what might be done in another place. Let the Government only do that much, and the support of the people would follow, and the same result be attained as when the Reform Bill was thrown out elsewhere. If the Government was to be defeated, let them be so on some specific and tangible question. To the Government he would say, now was their time or never; let them take their firm stand upon the great principle of ecclesiastical reform, and save themselves by saving the Church.

Mr. *Fergus O'Connor* said, that the Resolution would not give satisfaction unless altered according to the suggestion of the hon and learned member for Dublin—namely, by the extension of its provisions to the lay impropriators, who, the noble Lord must be aware, were the great cause of the Tithe Commutation in Ireland. If the same compensation was not extended to both the clerical and lay impropriators, an invidious distinction would be created between the tenants under each, and the agitation would still continue. He felt that he had been justified in advising the people not to pay tithes, because he was convinced that, but for the refusal, even this reduction of the immense taxation under which the people laboured would not be now proposed. He would himself resist the payment of tithes so long as they were so unjustly collected. Without the extension of the terms of the Resolution in the manner which had been suggested, no real benefit would be conferred, nor would the proposition answer the expectations of the people—expectations raised upon the pledges of the Government. Those pledges had not been fulfilled. True it was, that the Irish Church Temporalities Bill had passed, but the Government were afraid to carry it up to the other House; a Grand Jury Bill had been brought forward more complicated than all which had preceded it, and though measures of conciliation had been promised at the commencement of the session by the right hon. Gentleman the Secretary for the Colonies, to go *pari passu* with the Coercion Bill, yet all the pledges merged now in the present proposition. The Irish Members ought no longer to be duped or smiled out of the discharge of their duty by the noble Lord opposite. He conceived the country could only be benefited in this respect by the extinction of tithes, and the application of a land-tax for the national purposes, and the fair and equitable maintenance of the clergy. He should be glad to hear the noble Lord's explanation of the object of the Resolution before the House.

Lord *Althorp* said, that the object of his Resolutions was precisely a land-tax; for the purpose of relieving the tenantry from the pressure of the arrears of tithe for the last three years, as well as for preceding periods. The proposed mode of effecting it was, that each parish should be applotted for the amount of tithe due, and that the parish should then have the power of applotting upon each individual in possession to the amount of his debt. And as it would of course be a great hardship that those who had paid their tithe should be subject to this tax, it was proposed to relieve them from it, and the receipts for the payment of their tithe would be a quittance in full. The object proposed to be attained by Government would be this; by the law, as it at present stood, after November next, the occupying tenant at will would be freed from the obligation to pay tithe, and the impost would fall upon the landlord. The Government intended to propose, that in every case where the landlord had not compounded, he might, within a certain time, come in and compound at a reduction of fifteen per cent. This would effect a great removal of pressure from the poorer classes in Ireland, from a body almost exclusively Catholics; while the landlords were almost as exclusively Protestants; and, therefore, the proposed relief would exactly apply to that part of the population most entitled to it. He hoped this explanation would suffice for the hon. member who spoke last, and he must now refer to what had fallen from the hon. member for Colchester (Mr. Harvey), whose support he was certainly glad to have; but he must confess, that had the hon. Gentleman not expressly promised his support, he should, from the apparent tendency of his observations, have anticipated a decided opposition. The hon. Gentleman animadverted upon the Government for an alleged readiness to lavish money on every occasion. The proposition of the hon. Gentleman went much further than this in its apparent tendency—for he could not suppose he meant seriously to make such a proposal—for the apparent tendency of it was spoliation, for he advised them to take Queen Anne's bounty. [Mr. *Harvey:* As a loan.] Very well it might be so ostensibly; but the hon, Gentleman prefaced his proposition by saying that the money would never be repaid, and he (Lord Althorp) could not but think that borrowing without an intention of repayment amounted almost to spoliation. [Mr. *Harvey:* The Directors of the Bounty would take care of themselves.] He thought Government would take equal care in providing good security, and he considered that the land in Ireland would be quite sufficient. The hon. Gentleman said, that the present proposal would only induce the people of England to refuse to pay tithes; but he had such confidence in the good sense of the people of England, that he did not expect that it would lead to any such refusal. He was satisfied, whatever the hon. Gentleman might say, that the people of England, the great mass of the community, were attached to the Church of England. The hon. Gentleman was like other persons, he kept company with a particular class of persons, and he fancied that their opinions were the opinions of the whole community. If the hon. Gentleman expected that the Church could be destroyed he was mistaken, and he was sure if the Ministers were to bring forward any plan to injure the Church of England, that such a proposal would destroy the Ministry. He felt confident that in making this statement he was speaking the sentiments of the people of England. The hon. Gentleman, and those who thought like the hon. Gentleman, were, he believed, utterly mistaken. The measure, if it were adopted, would do good to Ireland, and he hoped the House would express the same opinion as the hon. Gentleman meant to express by his vote, and not follow what the hon. Gentleman had aid in his speech.

Sir *Robert Inglis* thought that the House might have been spared much acrimonious animadversion on the character of the clergy of Ireland, had the Irish Members formerly made the admissions which had this night been made by some of their most violent opponents. It was admitted, that they had not exacted their dues with as much rigour as the landlords. Dr. Hall, he recollected, stated, for a piece of ground of 600 acres, a landlord gave him 40*s*. for tithes, which showed the character of landlords as payers; and what had been stated to-night showed their characters as receivers. He would not however, make any comparisons—he only rose to say that it was not fair to the clergy to speak of the tithes as connected with spiritual duties. He denied that they were. From the instant the tithes were separated from the Church nine centuries ago by law, they ceased to be given for any spiritual duties whatever. He believed that the noble Lord was correct as to what he said of the feelings of the people of England, in opposition to the member for Colchester, and that opinion would, he also believed be confirmed, when the experiment of attacking the Church of England was made. Admitting, (which, however, he denied,) that some clergymen had demanded more than their due, was that a reason why the imperial and supreme power of the realm should punish the whole body of the clergy, or even the same clergyman a year or two after he had made an improper demand? He would state, for the information of the hon. member for Colchester, that Queen Anne's Bounty could not supply a sum sufficient for the purpose of the Resolution. With respect to payments, he was sure that all payments were ultimately made by the landlord, and came out of land. He could not, therefore, admit that anything was or could be paid by the tenants. The hon. Baronet concluded by expressing his satisfaction at the measure.

Mr. *O'Ferrall* did not see how any English Member could feel himself justified in opposing the grant of money proposed by the noble Lord, the Chancellor of the Exchequer, because it was by the votes of English Members that the Church Establishment in Ireland was maintained. If Englishmen wished to enjoy the luxury of a sinecure Church, he had no objection; but they must expect to pay for it. He had no objection to the vote; but he hoped the amount of tithes due upon the land would be ascertained by a fair valuation. Not such as the average valuation of the last seven years, which would be anything but a fair one. The noble Lord must be well aware that the last seven years had exhibited a greater variation in the price of wheat and oats than at similar periods during the last thirty years. It should be recollected, also, that the clergy had, in some parishes, conducted themselves with great liberality: whilst, in others, they had disturbed the tranquillity of the country by the severity of their exactions. Would it then be fair, that the former should suffer for their liberality, and the latter benefit by their rapacity? He hoped that some mode of valuation would be devised by which these anomalies would be avoided. He must allude to another circumstance in connexion with this subject. The Bill of the right hon. member for the University of Cambridge left it to the option of parishes to enter into a composition for tithes, but the Bill of last Session rendered it compulsory upon them to do so; and it also provided that if its provisions were not complied with at a stated time, the Lord-lieutenant should have the power of appointing valuators of his own. This provision had given rise to much abuse; for, as it was impossible that the Lord-lieutenant should know anything of the qualifications of the persons whom he appointed, the appointments had generally taken place as a matter of favour. He knew an instance of a person having applied to the late right hon. Secretary for Ireland to be appointed a valuator; and the right hon. Gentleman, after proper inquiry, promised him the appointment, but the Lord-lieutenant set this promise aside, and appointed an incompetent person. It must be evident that a stranger to the neighbourhood in which he came to make a valuation would not make so good a one as a person who resided on the spot, and was acquainted with the land. When a gentleman wished to have his estate valued, he always employed a person acquainted with it to execute the task. Notwithstanding the declaration of the hon Baronet, the member for the University of Oxford, he thought it would be the tenant, and not the landlord, who would pay the tax which the noble Lord proposed to establish on the land. It was most unlikely that landlords would tell their tenants-at-will that if they did not pay the tax they must quit, and thus the noble Lord would have only transferred the tithes from the Church to the landlords. He was most desirous that some amicable arrangement should be come to on this subject, and it would very much facilitate the progress of the measure now proposed if the noble Lord would allow the Act of last Session to be sent to a Select Committee, with a view of having some of its objectionable parts expunged.

Mr. *Finn* said, that the whole system of tithes in Ireland must be altered. The Established Church in Ireland, received from 17*s.* to 20*s.* annually, from each Protestant. In England, the Established Church received 10*s.* per head, from each Protestant; in Scotland, the established religion was much cheaper; in France, the Established Church got no more than 10*d.* per head from its members; and in America—the country which he approved of most—people paid what they pleased to their religious instructors, and went to heaven the best way they could find out. He begged to ask the noble Lord, whether it was intended that the ingoing tenant should be compelled to pay the tax. It might happen, that a man who had paid his own tithes, would take land on which arrears were due; in that case, it would be monstrously unjust to make him pay them.

Lord *Althorp* replied, that the tax would be fixed upon the land; and, therefore, in the case put by the hon. Member, the person who took the land would be compelled to pay. So far, injustice would be done, but it could not be avoided.

Mr. *Gisborne* said, it was clear that the Government, by their scheme, would merely shift the tithes from those who ought to pay it to the owners of the land, or, if it did not do that, it would merely make them the collectors of tithes instead of the clergymen. Last year, the House were told, that when the collection of the tithes was transferred from the clergy to the Crown, all irritation would cease, and that they would, henceforth, be obtained with the utmost facility; but no one would venture to assert that this prediction had been verified; indeed, it was notorious, that it was more difficult to collect tithes now, than it had ever been before. Was it fair to put the landlords in the unenviable situation of collectors of tithes? He disliked all this juggling—first, transferring the collection of tithes from the clergyman to the Crown, and then from the Crown to the landowner, whilst the substantial grievance was allowed to remain behind. The real and substantial grievance was, that the people of Ireland were compelled to pay their money, to support a Church of which they did not approve, and that grievance, the present measure would not cure in the slightest degree. The proposition of Government was merely a miserable temporary palliative. He would offer a single observation upon the remarks, which the noble Chancellor of the Exchequer had made upon the speech of the hon. member for Colchester. The latter hon. Member had, perhaps, rather over-rated the feeling in this country against the Church; but he was sure, that the noble Lord had gone as much beyond the mark on the other side. On the whole, however, he had no doubt, that the Church Establishment in this country was approved of by the great majority of the people. With respect to the Church in Ireland, the case was very different. He was not in the habit of participating in the festivities of deans and chapters, nor of mixing in extravagantly Conservative societies, but in those societies to which he was admitted out of that House, it was generally acknowledged that the Irish Church could not, and all agreed that it ought not, to be maintained. When this was the general feeling, why did not Ministers speak out boldly? It was related of Dr. Johnson, that after he became eminent in the world, he always, when in presence of his first master, exhibited the greatest deference to his opinions, although there was no comparison between the intellectual powers of the two men. Johnson accounted for this by saying, that he never could divest himself of the feeling that his old master ought to have the same control over him, that he possessed when he was but a boy. He believed, that Ministers laboured under some involuntary feelings of that kind towards the Tories. They had been so long under the domination of their opponents, that they had acquired a feeling of deference for Tory opinions. Whenever they were about to propose a great measure, the first question which suggested itself to their minds was: "What will the Tories say to this?" He did not wish to see a collision between the two branches of the Legislature—he deprecated it as much as any man; but he could not shut his eyes to the fact, that, do what they might, they were not likely to avoid it. He hoped, that when the collision did take place, the House would act with firmness and temperance. Nothing but the feeling which he had referred to, could have induced the Government to bring forward such a measure as that, relating to the Irish Church, and to recommend it upon such grounds. They said it was a measure which would confirm and consolidate the Irish Church. That might be an excellent reason for Protestants, but it was anything but a good one for Catholics. Such a reason as that did not recommend the measure to him. He would vote for it, on the ground that it furnished an instalment of 6*s.* 8*d.* in the pound, and that, as an inevitable consequence, the whole must follow. He would not shrink from avowing, that such was the ground upon which he supported the Bill for regulating the Temporalities of the Church in Ireland. In conclusion he stated, that he objected to the proposition before the Committee, because there was a risk that the money to be voted would never be returned to the public, that it would unjustly impose a burthen on the landlord, and would not allay the irritation which existed upon the subject of tithes.

Mr. *Shaw* said, the precept of the hon. Member who had just sat down was certainly much better than his example; for he accused others of wandering from the real question before the House. He promised to call hon. Members back to the Resolutions moved by the noble Lord; and he had given a dissertation on Toryism in general—on the House of Lords—on the Portuguese question—and various other subjects, which no one would contend had any connexion with the present question. However, on the point of the Established Church, he would, at once, join issue with the hon. Member; first, merely observing that he trusted the Government would take a salutary warning from the admission of the hon. Member, that his sole object in supporting the Irish Church Reform Bill, was, not to reform, but to destroy the Irish Church. The hon. Member accused his Majesty's Ministers of a desire to uphold it, as if that was a crime in them; but he would boldly tell his Majesty's Ministers, that it was their plain and positive duty to uphold the Established Church in Ireland, and that they could not abandon that duty, without dissevering the union between England and Ireland; of which it was an essential and fundamental article, that the Churches of England and Ireland shall be united, continued and preserved. Neither could they advise his Majesty to such a course without a violation of his solemn oath. Yes! (said the hon. and learned Member,) I unhesitatingly affirm that. I have never been the advocate of extreme views in reference to the Coronation Oath. In the discussion on the Church Bill, which at least professes to conduce to the efficiency of the Established Church, I have never alluded to the subject; but will any man of common sense—of common honour—or of common honesty, tell me, that a minister of the Crown could advise the King of England "to destroy"—unqualifiedly to destroy the Established Church? [Mr. *Gisborne*: It is disorderly to accuse any Gentleman of want of honour or honesty.] He meant nothing personal to the hon. Member. He did not hear him say that he would give such advice. He merely put a hypothetical case. The hon. Member, as an individual, had a right to hold what opinion he pleased, but he must take leave to say, with the freedom and liberty of speech which he claimed for himself, as an independent Member of that House, that no man in the responsible station of a Minister of the Crown, could advise his Majesty to give his consent to the overthrow of the Established Church, and thus counsel the base crime of perjury, without forfeiting all character for honour or honesty—for personal good faith—for allegiance to his King, and duty to his country. In respect of religion, too, he believed the maintenance of the Established Church to be of extreme importance. He could not agree with the hon. member for Kilkenny (Mr. Finn) that each man should be left to pay for his own religion as he would for his lawyer, and in the words of the hon, Member "to go to heaven as he best could;" as if the hon. Member had been speaking of hiring a hackney coach. He would not enter upon any religious discussion, but would merely lay down as a maxim of mixed political and Christian economy—that while in all matters that concerned our temporal wants a demand was sure to create a supply—in regard of spiritual things, so far as they were effected by human agency and means, a supply must be laid before the mind to induce a demand or desire for their enjoyment. The hon. Member (Mr. Finn) had charged the established clergy of Ireland with tenaciously clinging to the temporalities of their Church. How little did he know them! or how grossly did he misrepresent them! Was it clinging to the mere property of the Church to remain with patience and almost without complaint, for three years, deprived of the legal and almost only means of their support? Hon. Members talked of the poor people having to sell their last cow and their last pig—not because they could not, but because they obstinately would not, pay the small sum which they well knew was due, and which before interested agitation commenced they used cheerfully to pay the clergyman. But he could heap instance upon instance where the clergy themselves sold their last horse and their last cow, some to give food to their families, and others to give it to their still more suffering friends, on account of their lawful incomes being withheld. One case he had become acquainted with within the last few days, where a portion of the fund so benevolently collected in England for the relief of the distressed clergy had been sent to one of them, and he returned it, stating "that he would not draw upon that source while he had a book and a silver spoon left, of which a few still remained to him, and that there were others of his brethren who wanted it more." Was it manly or generous to malign such men as these. The hon. member for Waterford (Mr. Barron) had drawn a very strong picture of what he called the oppression of the clergy of his neighbourhood in respect of the costs they had imposed upon the people. Now, he had that day had an opportunity of conversing with a most respectable and worthy clergyman of that neighbourhood, and his case would illustrate many. His tithes had been systematically refused to him for the last three years. He at length applied to two gentlemen in his parish with whom he was personally acquainted—one owed about *5l.* the other *2l.* They both told him they would not pay him, in opposition to the general agreement to that effect which the parish had entered into, but that he must take his remedy. He replied that then they must not complain of his putting them to costs, and he desired his attorney to proceed against the two gentlemen, and as far as possible to spare the poorer parishioners. The attorney was obliged to sue them in the superior courts, and then no doubt the costs exceeded considerably the original demand; but surely under these circumstances the clergyman was not to blame. The intimidation prevailing in the county was such, that it was difficult even to procure an attorney to act; but he understood the one alluded to had conducted himself with propriety. Yet the hon. member for Waterford called him a "wretch of an attorney." Calling names proved nothing; and while the hon. Member spoke of a "wretch of an attorney" at Waterford, it would be just as easy for the attorney at Waterford to speak of a wretch of a Member of Parliament—without either one or the other establishing any fact by the abuse. But really it was a loss of time to dwell longer upon that of which every reasonable man in the House had not only been reasoning, but for the last two years legislating upon, as an assured and admitted state of things—namely, that a universal combination existed against the payment of tithes, and consequently that the clergy were reduced to the utmost distress. He would not reproach the Ministers, although he could not but feel that to their want of vigour and vindication of the law the present difficulties were owing. He was fully impressed, too, with the justice of the observation that they were furnishing a most dangerous precedent, and that their conduct would be referred to as a justification for the resistance of the law in other cases. The evil, however, as regarded the clergy had gone to so formidable an extent that some remedy must be provided. He therefore should support the Resolution of the noble Lord, but the noble Lord would, he hoped, allow him to suggest that a large arrear was due previous to 1831; and though, perhaps, the noble Lord might expect those of the clergy who were likely to derive the full benefit of the three years' tithes to forego some of their strict rights, the noble Lord could not expect that in the case of the representatives of deceased clergymen; and their demands, at all events, even though not included in the years specified in the Resolution, the noble Lord would, he trusted, allow. He (Mr. Shaw) had been misreported to have stated, that he would willingly accede to the proposition, on the part of the Irish clergy. He had no authority to make, and he did not make, that statement. He merely said, what he was willing to repeat—that from his knowledge of their general feelings and dispositions he was persuaded they would consider any proposition for an adjustment of this question, in that spirit of candour and liberality by which their conduct had at all times been characterized.

Mr. *Littleton* said, that when the tithe collection bill of last Session was put into operation, there were 104,285*l.* (out of a total of 105,693*l.* arrears) tithe arrears, of which 83,334*l.* were proclaimed by Government to be paid within a certain day on certain terms; 21,000*l.* odd were not proclaimed. Well, of these 83,334*l.* thus proclaimed, the Government could only—such was the universality and energy of the resistance—recover 12,100*l.* In such a state of things, therefore, it was plain, that there was, between this almost national resistance to tithes on the one hand, and the duty of the Government to assert the authority of the law on the other, only the alternative of his noble friend's propositions, or something like them. Those were recommended by the circumstance, that whereas by the bill of last year, when 60,000*l.* was advanced to the Irish clergy, the Government had to levy the tithes of the occupier, the cottier, and the small farmer, with whom the clergy had, so prejudicially to their influence, brought us in frequent collision; while, by the noble Lord's measure, the clergy would not be brought into contact with either tenant or landlord, and the Government would not look to the tenant for repayment, but to the landlord, by a direct tax on his land. Hon. Members were in error in ascribing greater severity to the tithe-collectors of laymen than to those of clergymen: they were both equally obnoxious to the charge of severity, with this exception in favour of the clergyman, that he was wholly dependent for existence on his church property, which could not be in fairness said of the lay impropriator. There was also some error as to the charge that the Government had harshly insisted upon the payment of tithes due only on the 1st of May, after the Bill's coming into operation. So far from it, the Irish government gave explicit orders that such tithes should not be considered as arrear tithes, and that the Government would afford no aid in their collection.

Major *Beauclerk* said, that in his opinion, the speech of the hon. member for Derbyshire was one of the most sensible he had heard in that House for some time; and however it might be received within those walls, would produce a great effect out of that House. It was, in his opinion, very unfair of the Government to throw upon the Irish landlords debts which they had never contracted. Government would have acted much more fairly, if, out of the 3,000,000*l.* which they promised that House from the Church Temporalities, they had undertaken to pay these arrears.

Mr. *Baldwin* could assure Ministers that they greatly deceived themselves if they supposed that by shifting the burthen of tithes from the tenant to the landlord, they thereby got rid of the national outcry against tithes. The only effect of the transfer would be the uniting the landlord and tenant in a close phalanx against the tithe-collector.

Mr. *Murray*, without going all the length of the hon. member for Derbyshire, (Mr. Gisborne) could not but protest against the monstrous doctrine of the hon. and learned member for Dublin University (Mr.

Shaw), that, forsooth, to meddle with the property of the Irish Church would be to destroy the Constitution. According to that hon. Member, it mattered not that the members of the Established Church were only as one to 100 of the population, that 100 must be taxed, as if the Church was essentially national. The doctrine was monstrous. Hon. Members had better be aware in their appeals to what they called the "fundamental laws on which rested the Protestant Church of this Protestant Constitution." To what did they appeal, unless to the legislative omnipotence of Parliament, which conferred those privileges on the Church? If Parliament had doubted its own omnipotence when the church property was wrested from the Catholic clergy, and in degree handed over to the clergy of the new persuasion, where would these fundamental laws be now? And if Parliament was then omnipotent, what was there in the circumstances of the 19th century to prevent its exercising its legislative sovereignty over the property of a Church the members of which were only a fraction of the people—the Church of Ireland?

Mr. *Bellew* would oppose the noble Lord's Resolutions, as he conceived they left the main evil of the tithe system in Ireland untouched—namely, the great disproportion between the remuneration of the clergyman of the Established Church and that possessed by the Presbyterian and Catholic pastors. The hon. Member read an extract from Mr. O'Brien's pamphlet on tithes, in order to show, that the cost of an episcopalian clergyman in Ireland was as twenty, while that of the Presbyterian clergyman but two, and the Catholic but one. Then, the revenues in the county of Clare, in which the writer lived, for the religious instruction of the members of the Established Church was 20*l.* a-family, while it was but 1*s.* for the Catholic. This flagrant and most unjust disproportion was the parent evil of the Irish Church Establishment.

Mr. *Montague Chapman* was also opposed to the noble Lord's Resolution—because they provided no remedy for the parent evil of the tithe system. It should be remembered that Ireland was not a Protestant country—that the mass of its inhabitants professed a religion different from that of the Established Church. Now, an Established Church meant a national Church, and till Ireland was converted to the Protestant faith the Established Church could not be said to be national;—that was, the Catholics, the preponderating majority of its inhabitants, would have a just right to complain of being taxed for the support of a Church which was not that of the people. It was not the amount of the tithes of which the Catholics complained, but of their appropriation to uses other than the support of their own Church Establishment, and so long as they were Catholics, they would and ought to denounce so unjust a principle.

Mr. *James Talbot* said, that on a question of such importance on which the peace and prosperity of the country depended, he could not but be anxious to express his opinion. He had found it difficult to comprehend the meaning of the Resolutions under consideration. He supposed it was meant that the landlord should pay the tithes, and that this was described by his Majesty's Ministers to be an act of justice. This might be so; but he should like to know what the landlords would call it. As far as he understood these Resolutions, he did not consider them to be beneficial even to the Church. The measures they pledged the House to promote, would not be sufficient to suppress the combination against the payment of tithes—which extended to all classes and all interests in Ireland. The same feeling which induced an assembly to resolve, that he who paid tithes was an enemy to his country, was likely for some time to animate every party in Ireland, and to stimulate them to further opposition. One point had been greatly misunderstood by his Majesty's Ministers, by that House, and he had almost said, by the country. The people of Ireland did not complain of the actual amount of the tithe levied upon them. However grievous the imposition might be in many instances, and however vexatious the mode of collection, it was not to the amount, but to the appropriation, that they objected; and whatever commutation might be introduced, so long as that appropriation remained as it was at present, it would be a lasting source of dissension and bloodshed. No man could be more averse to a system of passive resistance than himself. He deprecated it as much as any man in that House, or as any noble Lord in the other House, considering it a system which must lead to the most injurious results; at the same time he felt, and had always felt, that the collection of tithes for the purposes to which they were at present appropriated, could not be justified on any principle of equity or expediency. It was very fashionable, at present, to talk about imposing a tax upon Irish landlords, and it certainly seemed to be a question which pleased both sides of the House. He, however, must express his dissent from the principle. There were some unworthy men in every class of life, but there were many good resident landlords in Ireland. The hon. and learned member for the University of Dublin, who had with so much ability, with so much eloquence —he wished he could say with so much common sense—advocated the interests of the Established Church of Ireland, had gone into arguments involving very high considerations, higher, indeed, than were at all necessary to introduce into the discussion of this question. The hon. and learned Member had talked about the Coronation Oath, and had been very eloquent and very declamatory, upon what the deserts of a Government would be, if they proposed the destruction of the Established Church in Ireland. If ever there was a question calculated in all its ramifications to excite irritation, to engender all the evils which must arise from endeavouring to conciliate, without doing justice, and to dissever the Union—even to destroy all connexion between the two countries—it was the upholding, at all risks, and at all hazards, the present appropriation of the Church revenues of Ireland. The temporal interests of the Protestant Church, as had been well observed by the hon. Baronet, the member for the University of Oxford, were quite distinct from their spiritual. Many measures might be adopted to improve the condition of the people of Ireland. Of course, it was not expected that he should enter, on this occasion, into a detailed statement of what he might consider would be a proper appropriation of the revenues of the Church of Ireland; but he should think that, after the abolition of tithes, or rather the imposition of a land-tax, the proceeds to be appropriated to national purposes, the landed property of the Church of Ireland would even then be more than sufficient to serve the spiritual wants of the Protestants of Ireland.

Mr. *Dominick Browne* said, he thought that the tithes could not be justly applied to temporal objects. Three parts of Ireland were Roman Catholics, and only one-fourth Protestants; and under such circumstances, the Catholics had a right to demand, that at least one-half of the ecclesiastical property in the country should be devoted to Roman Catholic purposes. Ireland would never be contented, until the Catholic Church could resume that proportion which he had mentioned of the revenues which formerly belonged to it. Though a Protestant, he considered that every man in Ireland was disgraced by a system which placed so large a portion of the Irish people in a state of inferiority with respect to the support of their religious opinions. He was sorry to see that no Catholic Member came forward to claim the rights which his Church distinctly possessed. He was not a Catholic, but he looked upon himself as the Representative of the Irish people in general. He considered the possession of the whole ecclesiastical property in the country by the Protestant Church, as throwing odium upon every Protestant in Ireland. The sooner they got rid of such a system, and restored the people to their rights, the better it would be for the whole empire.

Sir *Hussey Vivian* said, that though the numbers of the Protestants in Ireland were much smaller than those of the Catholics, yet the property in the hands of the Protestants was considerably greater; so that it was Protestant property after all which paid the greater portion of the tithe that was applied to the support of the Protestant Church.

Mr. *Finch* observed, that if it were wished to destroy the Church of Ireland altogether, it would be better to bring forward a distinct Motion for that purpose. The property of the Church was undoubtedly once national, but it was no longer so, and could not be touched without a violation of justice. He considered the Church Establishment of Ireland to be one of the noblest institutions in the world. He should certainly vote for the Resolutions, but he did so with pain, as he felt that was only a choice of evils.

Mr. *Ward* said, that notwithstanding the exhortations of the hon. Member who had just addressed the House (Mr. Finch), he could not separate the present Resolutions from the general question of the Irish Church Establishment. He considered the two as indissolubly connected, and he should, therefore, beg leave to state, with reference to both, the reasons for which he should support the Resolutions then before the House. He should vote for them, not because he approved of them in principle, but because, having modified his individual opinions as to the Reform requisite in the Irish Church according to the Government standard — having diluted them down to the milk-and-water consistency of the Bill which he held in his hand, he was unwilling to raise a difficulty upon any new point, until he saw whether this Bill, embodying as it did those ameliorations, which upon the lowest possible estimate, the House of Commons held to be indispensable in the Irish Establishment, would be suffered to become the law of the land or not. If it were so, well, a useful principle would be established, which might be worked out gradually in after times. If it were not, the House would stand upon strong ground in the opinion of the country; for what improvement could be hoped for, in any branch of our system, if everything approaching to improvement were resisted in that branch where it was most required? There was one more suggestion which he should venture to point out to the consideration of his Majesty's Government—he meant the expediency of withholding the present grant, which he could not but regard as a bonus to the Irish clergy, until the fate of the Temporalities Bill, in another place, was ascertained. For, differing, as he did, *toto cœlo*, from the hon. and learned member for the University of Dublin in his views as to the Irish Church, which he (Mr. Ward) regarded, in its present state, not as a fundamental article of the Union, but as a fundamental article of the disunion, between the two countries, he should be very reluctant to contribute, in any way, to its support, without some security for those changes which could alone render its existence beneficial.

Mr. *Edward Ruthven*, as the Representative of a large Catholic constituency, felt himself bound to resist any attempt to make that constituency support the ministers of a Protestant Church. It was as unjust to make a man pay for the maintenance of a religion which he did not believe, as it would be for a policeman to compel him with a bayonet to enter a Church where that religion was preached, and to remain there during the whole of the service. The people of Ireland were naturally averse from paying money which was diverted from the purpose to which it was originally applied; and for himself he would not pay it until he was forced to do so.

Mr. *Lefroy* said, he had been anxious for some time to make a few observations upon the Resolution under discussion, but felt considerable satisfaction that he had not succeeded in catching the Chairman's attention before, as he had now the greatest pleasure in expressing how entirely he approved of the sentiments just expressed by the right hon. Gentleman, the Secretary for Ireland. Those sentiments were of the more value, as several Gentlemen had spoken in so very different a strain; some boldly declaring, that Church property should be entirely confiscated, others, that the Protestant Church in Ireland was anti-national. As to the latter, though many Gentlemen in the House might desire that the Catholics should be relieved from the payment of taxes to that Church, he must suppose that this was from a hope that irritated feelings, which at present existed, would be done away with, and not because they admitted that the Church was anti-national, being the Established Church of the united empire. The right hon. Secretary had taken his stand on a firm position; he declared he would support the rights of property, and in doing so he must support the property of the Church, for that property was totally distinct from the spiritual duties of the Church; and if the Government attempted to interfere with it, they would have a troublesome account to settle with all lay proprietors of tithes, whose title was exactly the same, and no better than that of churchmen. With respect to the objections made by certain Gentlemen as to the landlords being liable to the tithe, he must express his surprise that these objections should come from the quarter they did, as those hon. Members had always been the most forward to boast in that House, that they only wished the poor to be relieved of their burthens, and that they desired no indulgence or benefits for landlords. For his part, he would say, that he would willingly bear his share, if this proposition was supposed to be useful for the poorer classes in Ireland; and though he generally voted against the measures of Ministers, he felt peculiar pleasure in supporting them when they were defending a just and righteous cause, such as he conceived the present. He should look upon this night as one of the happiest in his life, if he assisted in passing a measure which would produce tranquillity. With respect to some observations which had fallen from an hon. Member upon the speech of his learned friend, the member for the University of Dublin, he could only say, that they were not at all applicable. His learned friend, and those with whom he was in the habit of acting, were not the supporters of abuses, but they were the supporters of the rights of property; and whilst they were anxious to remove real grievances, or do away with real abuses, they would never consent to any measures which would upset the Established Church, or extinguish Protestantism in Ireland, valuing such privileges more than property or life itself.

Colonel *Conolly* would not have obtruded himself upon the notice of the Committee, were it not for the observations which had been made by the hon. Gentleman, the member for the county of Kildare (Mr. Edward Ruthven). That hon. Gentleman had stated, that he was the Representative of a Roman Catholic constituency. "That cannot possibly be the case," said the hon. and gallant Member, "for I am one of his constituents." He (Colonel Conolly) must take the liberty of repeating, that the hon. Gentleman was grossly ignorant of the nature of the constituency of that county, if the hon. Member for a moment supposed himself to be the Representative of an exclusively Roman Catholic body. He however exculpated the hon. Gentleman from intentionally misrepresenting the fact, inasmuch as he was most probably ignorant of the character of the constituency of the county which he represented. The hon. Gentleman was not to be blamed for this, as he did not possess a single acre in the county. He would take that opportunity of stating, that the hon. Gentleman did not represent the property of the county of Kildare. He was brought into that House in consequence of his agitating the tithe question from one end of the county to the other. He would state it broadly, and without the fear of contradiction, that the hon. Member owed his seat in that House solely to the circumstance of his having entered into a crusade against the Established Church, and to his having decried tithes. He should be wanting to his own feelings—he should be wanting to common truth and justice, as well as to the character of the county in which he resided—were he not to lay before the House a statement of the circumstances to which the hon. Gentleman owed his return. He, in common with all those who felt anxious for the welfare of the Church and the peace of Ireland, could not withhold expressing his grateful thanks for the boon his Majesty's Ministers were about to confer upon that most exemplary class of men—the clergy of the Established Church in Ireland. He was rejoiced to find, that there was now a prospect of relieving them from the starvation and misery to which they had been reduced. He was most happy to see, that Ministers were at length sensitively awakened to the true state to which the clergy in Ireland had been reduced; and, as far as an humble individual was concerned, who warmly espoused the cause of the clergy, he begged leave on their behalf to tender his gratitude to the noble Lord and his Majesty's Ministers for the relief which he was about to afford them. He was glad to find, that in the course of this debate some hon. Members, who on previous occasions had vilified and traduced the clergy, had that night done justice to their characters. The truth was, that so far from being the rapacious monsters which they had been described to be, there never was a more exemplary class of men than the clergy of the Established Church in Ireland—men who, by their mildness and forbearance, not merely conferred honour upon the clerical character, but upon human nature. Their conduct, during the trials and privations to which they had latterly been subjected, afforded one of the most pathetic instances of self-sacrifice that could be imagined. He said this because he knew the fact to be so; he had witnessed the patience and forbearance with which the clergy had borne their accumulated and unmerited misfortunes; and, knowing these circumstances, he should be wanting in justice did he not give expression to his feelings. Although his Majesty's Ministers had at length recognized the rights of the Church, he must take the liberty of warning them against being led away by the spoliative propensities of many of their supporters. Those hon. Members lost no opportunity of decrying the Established Church, and describing the conduct of its ministers as brutal and rapacious—and all this merely because the clergy used some means to obtain an existence. Having been driven to a state of starvation—he did not wish to exaggerate their condition—it was not, in fact, susceptible of exaggeration—after having been driven to such a state of misery—to hear them abused and vilified, was more than the most patient could listen to, or the most forbearing tolerate. It was not necessary for him, in the present stage of the proceedings, to enter into discussion upon the plan proposed by his Majesty's Ministers. Other and more fitting opportunities would occur: but he could not sit down without offering, on the part of the Established Clergy, the humble tribute of his gratitude to his Majesty's Ministers.

Mr. *Edward Ruthven* said, that an attack more wanton and unconstitutional—a more ungenerous attack was never made by any man on another—and that other a young man and a young Member of that House—than had been made upon him by the hon. Member who had just sat down. The hon. Member had talked of his pretensions to represent the county of Kildare. His pretensions were easily told. He had been sent to that House by the people of Kildare. That was his only claim, and it was one more honourable and more just and honest than to have been sent there to represent the bigotry and fanaticism of a selfish and destructive party. As to the property he possessed in the county, it ill became the hon. Member to say anything about that. He had a qualification of his own, without being obliged to ask any man to lend him one, and he had a house of his own in the county, where every Gentleman present should be hospitably received. He thanked the House for its attention while he had repelled the attack of the hon. Member.

Colonel *Verner* rose for the purpose of supporting the Resolution. The clergy were accused of tyranny and oppression, but he should like to ask those hon. Members who brought the charges how they would like to remain three years without their incomes. He much feared that many of those hon. Members would not in reality be satisfied with the abolition of tithe—what they sought for was the destruction of the Established Church in Ireland. The clergy were accused of acting with tyranny and oppression—but their traducers had not the hardihood to state, that the clergy had not as good a right to their tithes as the landlord had to his rent; and yet for merely seeking by legal means to assert a legal right they were vilified and calumniated. Many of the clergy had been obliged to fly the country, and within the last few days one of that body had called upon him to state, that in consequence of his tithes being withheld and his life threatened, he was obliged to seek refuge in a foreign country. He stated, that previously to the late outcry being raised against tithes, he received his income regularly, and lived on the best terms with his parishioners; but when the minds of the people became inflamed, and he was forced to have recourse to legal means to recover his just rights, those kindly feelings which previously existed between him and his parishioners were severed, and the consequence was, that he was obliged to fly the country.

Lord *Althorp* said: I admired in common with others, the temper in which the present Debate was commenced, and I regret that that temper has not been preserved. I have been thanked by some hon. Gentlemen, and perhaps more than I deserve, for bringing this proposition forward. My real object in doing so was not altogether for the benefit of the Church, but because I thought that there was extreme danger in allowing the present state of things to continue in Ireland, and because I thought that it was indispensable that Parliament should interfere and put a stop to it. I was quite aware, that it was a proposition which was liable to certain objections; but I hoped, and I continue to hope, that it will be productive of much good; and therefore, that the House will overrule those objections, and agree to a proposition that, in my opinion, is calculated to benefit England as well as Ireland. It is, as the House must already know, intended by this measure, that the landlords should be entitled to recover from those tenants who themselves have not paid their tithes, and I am aware that this feature of the measure is open to some objection, and even to an objection of some apparent weight; but, upon reflection, I am sure the Committee will agree with me, that the weight is only in appearance. I think the Committee will also agree with me, that if the land tax thus intended to be imposed were to be collected in the same manner as the tithes have heretofore been collected, it could not be productive of satisfaction, as it must of necessity be looked upon in the same light as the whole burthen of tithes; if tithes were to be collected, in the same proportions as before, the present would merely be looked upon as a repetition of the measure of last Session, and not tend in the slightest degree to advance the pacification of the country. It is very true, and I do not shrink from the admission, that I do propose to lay on a land-tax; and however it may eventually be received by the landlords of Ireland, there is no shutting our eyes to the truth, that such a measure is unavoidable. While noticing this feature in our proceedings on this subject, I may be permitted to observe, that from the moment this admission was first made, a change came over the views of Irish gentlemen on the subject of tithes. I never, upon any political subject, remember so great a change as that which seemed to have been wrought in the minds of those gentlemen from the instant that that announcement was made. The debates, which from that time forward took place upon the subject, were wholly altered in their tone. Antecedently to that part of the measure being known, the Irish Members breathed nothing but approbation; but ever since they became exceedingly ingenious in discovering objections. Before that discovery, it was agreed by every gentleman, that the present state of things could not be allowed to continue, and that such continuance would be in the highest degree dangerous to the happiness and safety of the country; and gentlemen also agreed, that the adoption of the present measure, minus the paying clause, would be the best thing in the world, would remove all causes of discontent, and place things on a satisfactory footing; but now that the measure has been produced, we have had to encounter every sort of difference of opinion. I have never for a moment affected to say, that we have not been throwing a burthen upon the landlords of Ireland; but as I have on former occasions said, we had only to choose between two evils, and the alternative, which, from the nature of the case, became the more eligible, is one of which, after all, the landlords will have no real reason to complain—it was necessary for the peace of the country that the burthen should be shifted to their shoulders; and I do trust that, for the better consolidation and continuance of that tranquillity, they will submit to the burthen with a good grace. I am aware that it has been urged that this measure is only of a temporary nature, and can have no extensive or permanent effect. Now, the reply I have to make to that is, that the proposed measure has been brought forward as a remedy for a great present grievance; that it will now have the effect of relieving the occupying tenants from the pressure of the arrears accumulated during the past three years; and it will also have the effect of relieving the tenants-at-will from all their burthens; they will never have to undergo the grievance again. This, it must be confessed, is a great public benefit, and might have protected us from the censure of the hon. member for Derbyshire, who accused us of mixing a great deal of Toryism, with all our measures, so much of Toryism that he could not give us the benefit of his support. I rather think, that if those Members of this House who are in the habit of supporting Tory doctrines were consulted on the subject, they would have very little difficulty in saying, that a great number of our measures have in them but a very small spice of Toryism—too small to meet their views, or obtain their support. Of this I am quite sure, that none of our measures relating to the Irish church would satisfy the express wish of those who profess Toryism. From the hour we came into office, till the present moment, we have felt it to be our duty (I say that, at all times, and certainly, above all others, at the present time) we have felt it to be our duty to bring forward measures, as, while they tended gradually to improve the institutions of the country, did not, by too rapid a change, incur the hazard of disturbing the tranquillity of the country. The course which we marked out for ourselves when we met the present Reformed Parliament for the first time, was that which I have now described, and the question which we had to put to ourselves was this—whether we should proceed with those gradual improvements which every man who wished well to the country desired to see accomplished, or whether by sudden and violent steps, taken at short intervals, we should produce the most calamitous effects? We have chosen the former of these alternatives, and upon the principle thus adopted we are resolved to act, so long as we receive the confidence of Parliament and of the country. So long, Sir, as we continue to enjoy that confidence, so long are we resolved to continue making the same improvements in the institutions of the country, and in such manner as shall secure us against hazarding their stability, or putting in jeopardy the peace and good order of the community. I do indulge the hope that, up to the present time, the course we have pursued has given satisfaction to the House and the country; and of this I can assure them, that whether it be so or otherwise, they will not find us inclined to adopt any other course. Our earnest wishes, and our fixed resolutions lead us to promote every safe and practical improvement, but we have no desire to have recourse to rash and dangerous experiments.

Mr. *Ronayne* declared the proposed measure to be a miserable expedient, and one that would not be found to answer the object intended. It might, perhaps, give temporary quiet to the country, but it would never prove permanently effective.

Mr. *Lambert* said, he was the landlord of two parishes containing several thousand acres, and he wished to know how the tithes were to be recovered from the tenants, in the event of their running away?

Lord *Althorp* said, the landlords would have every right to recover the land-tax from such tenants as owed their tithes.

There certainly had not been any provision made for the case of tenants running away, but he had no reason to think that that class would prove very numerous, and, at all events, there would be no great difficulty in making such an arrangement as would meet any difficulties of that nature.

Mr. *Aglionby* said, that the House must be prepared to give compensation to the Irish landlords, whose property by this measure they proposed to take away; it was impossible that they could otherwise carry their resolution into effect. Not only were they thus embarrassing themselves with the necessity of making this compensation, but they were creating a new source of animosity between the peasant and the landlord. It was impossible to look upon the measure otherwise than as a mere expedient, and it was at the same time impossible to look upon it otherwise than as a direct injustice and confiscation. When the tenant absconded in debt both to the landlord and to the parson, could there be anything like justice in affixing upon the landlord the double loss by compelling him to make good the debt to the parson? Nothing, therefore, could be more evident than that a compensation fund must be formed somewhere, and it would be the height of injustice to seek it from the resources of the nation at large, and still greater injustice to make the Catholic landlord pay that with which Protestant property alone should be encumbered. In his judgment, the best source from which to derive the means of compensation would be the Protestant Church property.

Mr. *Charles Walker* agreed with the last speaker, that the measure of his Majesty's Government would afford nothing but temporary relief, and he hesitated not to add, that it would lead to ultimate dissatisfaction. He was a Protestant, but he fearlessly acknowledged that he was ashamed of the Protestant pastors of Ireland. The whole outcry about the preservation of tithes was raised on their behalf; and though a numerous body of laymen had endured extensive losses by the late occurrences in Ireland, there would not have been a voice raised on their behalf, were it not that the interests of the lay impropriators and of the clerical body were bound up together. There was no denying the fact, that the Irish Church was an extortionate church. Yes, he would repeat, that it was not only extortion, but grievous injustice, to make the landlord pay debts which he had never incurred.

Mr. *Christmas* could not agree that the landlord should pay in every case where the occupying tenant held by lease; and as to what had been said respecting the clergy demanding their six-and-fourpences and thirteen-and-tenpences, he must be permitted to observe, that if they gave up those small sums, it would amount to giving up their whole income. He was aware that opinions opposite to those which he held were advocated by gentlemen who professed the highest respect for the Church, and who declared that they did not want to do anything with the Church but to take away its revenues. He begged the House to remember, that tithes were not a tax which could be imposed or removed at pleasure—that they did, on the contrary, constitute a separate property; and if they were to be considered as separate property, with what consistency could hon. Members talk of extinction?

Mr. *O'Ferrall* said, that he thought, supposing the weight of the burden did eventually fall upon the landlords, they ought not to complain. In all arrangements of that kind, where a great national benefit was obtained, they could not expect to accomplish their object without encountering some difficulties.

Mr. *Barron* was ready to pay his proportion of the tax as a landlord, if it were for the benefit of the people. This he considered as a temporary measure; but he hoped it would lead to a permanent Land-tax. The poor of Ireland had a right to maintenance and education out of the property of the Church of Ireland. The Church of Ireland and that of England were not in the same situation with regard to their property. The rights of the poor with respect to them were different in the two countries.

Major *Macnamara* observed, that for the sake of preserving the peace of the country, he should willingly pay his portion of the tithes.

The Committee divided on the Resolution: Ayes 270; Noes 40—Majority 230.

List of the NOES.

ENGLAND.
Aglionby, H. A.
Bainbridge, E. T.
Clay, W.
Cookes, T. H.
Davies, Colonel
Fellowes, Hon. N.
Fellowes, H. C. W.
Gisborne, T.
Hill, M. D.
Hutt, W.
Hughes, H.
Ingilby, Sir W.
Leigh, G. L.
Molesworth, Sir W.
Parrott, J.
Pease, J.
Rippon, C.
Roebuck, A.
Romilly, J.

Romilly, E.
Staveley, T. K.
Trelawney, W. L. S.
Watkins, J. L.
SCOTLAND.
Gillon, W. P.
Wallace, R.
IRELAND.
Blake, M. J.
Baldwin, Dr.
Chapman, M. L.
Finn, W. F.
Fitzgerald, T.
Fitzsimon, N.
Grattan, H.
O'Brien, C.
Ronayne, D.
Ruthven, E.
Talbot, J.
Talbot, J. H.
Vigors, N. A.
Wallace, T.
Walker, C. A.
PAIRED OFF.
Nagle, Sir R.
TELLER.
Ruthven, E. S.

The House resumed.

HOUSE OF LORDS,
Monday, June 17, 1833.

MINUTES.] Petitions presented. By Lord LYTTLETON, from five Places, against Parts of the Local Jurisdiction Bill: and from the Birmingham School of Medicine, against any Alteration in the Apothecaries Act.—By the Bishop of GLOUCESTER, from Whitstone, for the Repeal or Amendment of the Sale of Beer Act.

EAST INDIA CHARTER.] The Commons desired a Conference with their Lordships; which being agreed to, and the Conference having taken place,

The Marquess of *Lansdown* reported that the Commons had communicated to the Conference the following Resolutions, to which they desired their Lordships' concurrence:—

"1. That it is expedient that all his Majesty's subjects should be at liberty to repair to the ports of the empire of China, and to trade in tea, and in all other productions of the said empire, subject to such regulations as Parliament shall enact for the protection of the commercial and political interests of this country.

"2. That it is expedient, that in case the East-India Company shall transfer to the Crown, on behalf of the Indian territory, all assets and claims of every description belonging to the said Company, the Crown, on behalf of the Indian territory, shall take on itself all the obligations of the said Company, of whatever description, and that the said company shall receive from the revenues of the said territory such a sum, and paid in such a manner, and under such regulations, as Parliament shall enact.

"3. That it is expedient that the Government of the British possessions in India be intrusted to the said company, under such conditions and regulations as Parliament shall enact, for the purpose of extending the commerce of this country, and of securing the good government and promoting the moral and religious improvement of the people of India."

The Resolutions were ordered to be printed.

POLITICAL UNIONS.] The Earl of *Winchilsea* felt himself obliged to put a question to the noble Earl opposite, for he thought it essential that the House should be informed whether it were the intention of his Majesty's Ministers to bring forward any measures during the present Session for the suppression of the Political Unions. He could assure the noble Earl that he was not in the slightest degree actuated by any party feeling or captious motives, but that he was solely influenced by a sincere wish to remove whatever tended to disturb the peace or to diminish the prosperity of the country. All who heard him must recollect the acknowledgment in that House that the Political Unions were actuated by a spirit and established upon principles totally inconsistent with all government, and it would be recollected also that a hope was entertained that these Unions would die away of themselves if they were left to the good sense of the people. Experience, he thought, must have by this time convinced noble Lords that if they waited for the good sense of the people to suppress these Unions they would have to wait too long. They might wait until some occurrence of public distress induced these Unions to act on the passions instead of on the reasons of the people, to the danger of the public peace. It was the duty of his Majesty's Ministers to take this question into their consideration, for it was impossible for the House to look at the number and position of the Political Unions, and to consider the spirit by which they were guided, without feeling that they were inconsistent with the tranquillity and prosperity of the country. He trusted that the noble Earl would call on that House to adopt some measure on the subject of these Unions, which would provide for the preservation of public tranquillity.

Earl *Grey* gave the noble Earl credit for his assurance that he was not actuated by party feeling or factious motives, but solely by a sincere desire to promote the public interests. He only begged the noble Earl to give his Majesty's Ministers credit for the same feelings, and he could assure the noble Earl that Ministers would never neglect their duty by not proposing to that House whatever measures they might think necessary for the public good. In answer to the question of the noble Earl, he must at once declare, that it did not appear to him at the present moment to be necessary or at all advisable to introduce any new law whatever with respect to the Political Unions. He had never concealed his opinions as to the nature and tendency of those Political Unions, nor had he hesitated to declare his conviction that they were totally inconsistent with good government, as they were established solely for the purpose of effecting a control over the Houses of Parliament. To suppress any attempt of this kind he trusted and believed that the power of the law, as it already existed, was sufficient. This power of the existing law, he could assure the noble Earl, Ministers had given no proof of an indisposition to use and exert whenever they should deem it necessary; but it did not appear to him to be advisable to propose any new law to Parliament; and in answer to the question of the noble Earl, he should say, that Ministers had no intention to propose any such measure.

The Earl of *Eldon* could not suffer the subject to pass without seriously adverting to the great number of inflammatory and seditious publications which had issued from the Press, and been circulated through the country for the last two years. He did not advocate the bringing forward any new laws on the subject, for thousands and tens of thousands of the most seditious publications were constantly in circulation, which required no new law to suppress them, but which might be punished by the common law of the country. For the honour and security of the country such publications ought to be suppressed, and yet no notice had been taken of them by Ministers, except to see whether they bore a fourpenny or a sixpenny stamp duty. The House could not be ignorant that a mass of infamous and seditious matter had been passed over thus lightly. If Ministers acknowledged that the existence of the Political Unions was inconsistent with the good of the country, the common law might long ago have put them down. It was the duty of those who had to protect the Monarchy of the country—it was the duty of those who had to protect that House from libellous attacks—not to suffer the attacks which were constantly thrown out against both. It was the bounden duty of Ministers, by carrying the common law into execution, to put an end to such proceedings. He asserted further, that it was the duty of those who were to protect the Monarchy—to protect the House—to proceed without delay. Threats were daily thrown out against the House, and it was the duty of Ministers to take care that the common law was put into vigorous execution. He very well remembered—indeed, nobody could forget—that the other House of Parliament was urged to send down a Commission to Nottingham, but the Motion was opposed. What happened afterwards? Not more than three months elapsed before the Bristol riots occurred. They would never have been committed had the common law been duly enforced upon the offenders at Nottingham. But the case of Nottingham was improperly dealt with, and three months afterwards the conflagration at Bristol took place. An individual had sent to him information of the distribution of the most inflammatory and seditious papers, at a penny each, in Bristol, and had declared that if the circulation of such papers were not suppressed, that would happen which afterwards did happen. He contended that the Attorney General should have gone down to Nottingham, and the subsequent mischief might have been prevented. The common law was such that it might have put an end to the Political Unions long ago, to those Political Unions which the noble Earl at the head of his Majesty's Government had himself stated were inconsistent with the good government of the country. He might be allowed to ask the noble Earl now whether his experience of the good sense of the country had justified his confidence? Let him look at the newspaper attacks on that House within the last three years, or even, continued the noble Earl, within the last three days, and let him say whether the common law ought not to have been put in force in order to put them down.

Viscount *Melbourne* had no difficulty in stating his entire concurrence in the opinion that Political Unions might be in the highest degree pernicious; that their tendency was to overthrow good government; and, therefore, that they were disadvantageous to the general interests of the country. But the noble and learned Lord had introduced fresh matter upon this occasion, by referring to the numerous publications of a seditious character. Every body knew that the question of prosecution for libel was entirely a matter of prudence and expediency, and no persons ought to feel that more strongly than the members of the late Administration, who had instituted many prosecutions, but with no great success. He did not say, that they were improperly instituted; but merely that it was always a question of prudence and expediency whether it was fit to engage in them. The most effectual means had been adopted in some instances to check the distribution of libellous publications; and the persons principally, if not almost entirely, employed in the most seditious and violent of them were at present under prosecution by the Stamp Office. He begged to state, that some of the most objectionable publications had recently been selected for prosecution by the Law Officers of the Crown, who were charged by the noble and learned Lord with neglect of duty. He knew that the number of prosecutions bore but a small proportion to the number of publications; but it was always a serious point for the consideration of Government, whether legal proceedings did not injuriously draw the attention of the public to the libel, making the parties accused perhaps objects of pity and compassion, rather than of hatred and indignation. The noble and learned Lord had now said of Unions what he had said upon nearly every other occasion—" What need of your statutes? Why do you not prosecute at common law? That alone is sufficient." The number of libels was as great—they were as rife when the noble and learned Earl was at the head of the country—he meant when the noble and learned Earl was Lord High Chancellor of England—as at the present moment. They were then to the full as bitter and virulent. He could produce proofs of his assertion in great numbers. And these libels were as much suffered to pass unprosecuted then as similar libels had been in the recent times to which the noble and learned Earl had chosen to call their attention. The noble and learned Earl passed from the libels to make remarks upon the riots at Bristol, and then the noble Earl spoke of the riots at Nottingham, and said, that if the one had been made the subject of due notice, the other would never have happened. Why, they occurred within a fortnight of each other. That remark, therefore, was without foundation, and no charge against the Government could fairly be founded upon it. The Attorney General went down to Bristol; it was true he did not go down to Nottingham, and indeed the inquiries occurred with respect to time, so near each other, that it would have been almost impossible for the Attorney General to have attended to both; but even if he had been able to do so, as it was well known that that hon. and learned person represented at that time the town of Nottingham in the other House of Parliament, it was evident that, in reason, in prudence, in discretion, and in common sense, there was ample cause for his not going down to Nottingham to conduct the prosecutions on the part of the Crown. But though he did not go, a Special Commission was issued, under which three persons were convicted and executed. Having given such explanation—an explanation which he hoped would be satisfactory to every reasonable mind—it only remained for him to repeat that it was the determination of his Majesty's Government at the present moment, as it had ever been since they took office, to maintain with rigour and due firmness the supremacy as well of the law as of Parliament, and to take every means to repress any disposition for violence or outrage that might, during their continuance in office, manifest itself throughout the country.

The Marquess of *Londonderry* did not rise so much to state his individual opinions as to how far the temporising sufferance of Political Unions by the present Administration, was compatible with public safety, as to express his heartfelt thanks to the noble Earl (Earl Winchilsea) for having so properly introduced the subject to their Lordships' notice. To him it was a matter of unfeigned surprise, that the Ministry should continue to express their approbation of Political Unions, for those Unions had long since ceased to express their approbation of Ministers. Indeed, if he was not much mistaken, the only opinion to which those bodies had for some time given expression was—and a very proper, sound, and discreet opinion he considered it to be—an opinion of detestation and utter contempt for the noble Earl at the head of the Administration, and for every member of whom that Administration was composed. What took place in many parts of the north of England was a satisfactory attestation of the existence of that opinion. The utmost, therefore, he could say for the noble Earl was, that his present determination not to take any steps to put down those Unions, argued an absence of selfishness for which he deserved full credit, for, had he been otherwise disposed, he would have availed himself of the opportunity held out to him, and signed the death-warrant of those political associations, the existence of which could not, under peculiar circumstances, fail to prove annoying.

Lord *Segrave* simply rose to assert, and he did so from his own personal knowledge, that had it not been for the institution of Conservative Clubs, organized by those very parties who so loudly decried Political Unions, there would now be scarcely a single Political Union of any kind in existence throughout the country.

The Earl of *Eldon* had only to observe, in reply to the observation of the noble Baron, if reply it required, that Conservative Clubs were only called into existence on its being found that during the continuance of the present Administration the suppression of Political Unions was not to be expected.

Lord *Segrave* would still assert, that Political Unions would have one and all dissolved of themselves if it had not been for the formation of Conservative Clubs.

The Earl of *Eldon* said he would only trouble their Lordships with one observation in reply to the latter assertion of the noble Baron. He defied that noble Lord to make out such a proposition as that to which he had given utterance, to the satisfaction of any man in the kingdom, be his political feelings what they might.

The conversation was dropped.

LOCAL JURISDICTION.] The *Lord Chancellor* said, that in rising to move their Lordships that this House resolve itself into a Committee on the Local Jurisdiction Bill, it would not be necessary for him to trespass at any considerable length on their attention, in adverting to a subject which he had trodden over so often. The importance of the question remained undiminished; but in consequence of the explanation which had been given on a former occasion, their Lordships, he had no doubt, were now fully acquainted with the nature of the measure. He must, in the first instance, congratulate himself and the country on the large attendance of their Lordships on this occasion. It showed that their Lordships came down to discuss this Bill, in that calm, temperate, and serious manner which so important a measure demanded. It proved that they meant to give to the Bill their most grave consideration—that they would examine all the principles on which it was founded—that they would investigate all the details of which it consisted—and that every part of it should meet with the deliberate attention which the great magnitude of the question required. So long as their Lordships continued so to discharge their duties,—so long as they persevered in showing themselves attentive to what was most conducive to the interests of their fellow-subjects,—so long as they found it expedient not only to entertain, but favourably to meet, any proposition made for improving the condition of the people, by amending the laws under which they lived, by purifying the administration of justice, and by manifesting a sincere desire to meet the feelings and wishes of their fellow-countrymen, when properly expressed, and when they could do so consistently with their sense of duty and the dictates of their conscience; so long unions might combine, and meetings might assemble, and mobs might rage, and the licentiousness of the press expend itself, all would assail their Lordships in vain; and even those threats which had recently been made would fall perfectly harmless on that high council of Parliament. When he first introduced this measure, two years and a half ago, he stated, as the groundwork and the principle on which it proceeded, the acknowledged defects in the existing jurisdictions of the country, with respect to affording relief to suitors in cases of debt, as well as in many other matters. The expense of the courts in Westminster, and the expense incurred in other legal jurisdictions, amounted in such cases as he had noticed to almost a denial of justice. In support of this position, he could appeal to the experience of many, and to the observation of all. He had, therefore, produced this Bill, expounding, at the time he introduced it, as far as he could, the grounds on which its provisions were founded. It was then suggested by a noble and learned friend of his, that it would be better, instead of carrying the Bill further, to place it (after some alterations had been made in it) in the hands of the Common Law Commissioners, who were then far advanced in their most useful labours, with the view of profiting by their advice on various points, after they had given the subject due consideration. He at once acceded to this proposition. Those learned persons most readily undertook the task; and the Bill having received the benefit of their suggestions, was now again before their Lordships. He should crave leave to arrest the attention of their Lordships for a few minutes, while he briefly adverted to the facts which had been elicited by the Common Law Commissioners, who had received and examined between 370 and 400 cases. He was, he should here observe, in speaking of those cases, by no means disposed to think, that the evidence furnished by lawyers themselves of various descriptions, and particularly by the practitioners of the law in the country, was less strong in favour of the proposed alteration than the evidence of individuals, who must be supposed to be more unbiassed; for he could confidently say, looking carefully to the evidence, that, with one or two exceptions, the solicitors in the country admitted, as plainly as they could do by language, the existence of defects, which it was the object of this Bill to remedy. One eminent practitioner indeed said, that "he had brought, in his time, thousands and thousands of actions, and he never felt any inconvenience from the delay and expense." It was very probable that he had experienced no inconvenience, but he was not the only party concerned. He added, however, "but other parties are not in the same situation—theysuffered moreinconvenience. The losing suitor was put to more expense than he ought, and the party who gained the cause recovered much less than he should have done, and in a much shorter period also." The only real objection, however, that he had offered to the projected change was, "that the expense attending those local jurisdictions would be to the full as great, if not greater, than the expense incurred at present." With one or two exceptions, the evidence of solicitors, perfectly conversant with the subject, was in favour of the measure. But there was another class of witnesses, not of the same description—persons who were the subjects or the objects of the law, who were the prey of those who followed the profession. He did not use the word "prey" in an invidious sense. The system, he believed, was rarely beneficial to either, and was generally ruinous to one of the parties. He should now call their Lordships' attention to some of the answers given to the queries of the Commissioners. A respectable banking firm at Trentham stated, "that they had frequently given up debts rather than incur the expense of suing for them." Messrs. Hill and Co., bankers of Abergavenny, stated: 'We know from experience that very considerable inconvenience arises from the delay which intervenes between the commencement of a suit in the Superior Courts and a trial at the Assizes, and also from the enormous expense attending the prosecution of such suit. We have frequently been deterred, and so have many other persons to our knowledge, from proceeding for the recovery of small debts on that account. We believe an effect very prejudicial to trade, particularly amongst small shopkeepers, is produced by the delay and expense of the present system, not only from the knowledge which dishonest debtors obtain of the difficulty their creditors are placed in, but also from the facility and encouragement now afforded to emigration, whereby a fraudulent debtor is tempted to sell his goods, leave the country, and cheat his creditors, there being no summary process by which, under such circumstances, a creditor can secure a debt of small amount.' Messrs. J. and C. Sturge, of Birmingham, say—'From the nature of our business, our accounts are generally considerable where any parties indebted to us become insolvent; but even in these cases we consider it more to our interest generally to submit to fraud rather than take any legal proceeding; and in a small debt we consider it quite out of the question, unless at a certain pecuniary loss, to resort to it, which in all cases we wish to avoid. Great inconvenience and expense arise from having to take witnesses, &c., a considerable distance, and keep them there, which latter is much augmented by want of previous arrangement, when the different causes shall come on for trial. We consider the system through which we are obliged to act little better than one of legal robbery.' Mr. Cort, Chairman of the Trades' Committee at Leicester, answers thus:—'Great inconvenience always arises in actions where the amount to be recovered is under 100*l.*; and in some cases where the amount is larger, if (which is often the case) the defence is merely to create delay, and the expenses are so great as frequently to deter the creditor from proceeding at all. * * * The effect of the system is bad, as it induces dishonest men, for the purpose of getting into debt, to endeavour to deceive tradesmen as to their means and intention of paying, calculating on the defective state of the laws, by which to evade payment. The losses sustained by retailers, in sums of less than 20*l.*, have of late greatly increased, and the business, instead of being a source of profit, has been, through the defective state of the laws, most unprofitable.' The agent of the Colebrookdale Company answered thus—'Believing the enclosed queries are intended to elicit information relative to some improvement in law process, we should have had pleasure in answering them, had our knowledge and experience enabled us to do so satisfac-

'torily; but that is not the case. The 'expense of law, and the uncertainty of its 'issue (particularly with dishonest men) 'are so great, that we are mostly deterred 'from resorting to legal measures for the 'recovery of our debts; as such, we are 'less acquainted with the Courts of Law 'than many others probably are.' The principals of a highly respectable wholesale house at Leeds said—"The mode of recovering small debts is so expensive and tormenting, that it prevents us from endeavouring to recover them. The idea of going into Court is terrifying." So it thus appeared, that, from one end of the country to the other, the system was equally oppressive. The dislike to it was not confined to one district, but extended over all. But the objection was not confined to the provinces: even individuals living in the capital felt the same repugnance, the same horror of these proceedings. They, in many instances, thought the best thing they could do was to give up their property and to keep out of law. The retail dealers of Fenchurch-street thus answered—"We are incompetent to give an opinion, for we have such a horror of law, that we never have courage to go into a Court of Law." So strong, indeed, was the sense of the injudiciousness of litigating questions about small sums, that numerous cases occurred of persons paying demands for debts which they did not owe, but which they feared to contest on account of the expense. A man had better pay a demand of 10*l.* or 12*l.* than resist it, defeat his adversary, obtain a verdict in his favour with costs, for that verdict would give him less than he would be obliged to expend in his defence in resisting the unjust demand. He could assure their Lordships, that this was frequently, but, of course, not ordinarily, the case; for, if it were, a man might lose his whole property in sums of 5*l.* at a time. Still, as a matter of gain or loss in a single instance, one had better pay a small demand, though unjust, than to defend an action to resist it. They had the evidence of a learned Serjeant who had, for many years, presided over one of the 40*s.* Courts in the metropolis, who stated, that it was a common practice with the suitors in that Court to reduce their demands of 5*l.* to 1*l.* 19*s.* 11½*d.* in order to avoid the expense and delay of suing for the whole. He added, that the proportion of cases where the debts were 5*l.*, and those reduced, was about one-seventh of the whole. "There were," he observed, "many instances in which debts of 12*l.* and 13*l.* were thus reduced to under 40*s.*, the creditors preferring to forego the remainder rather than risk the expense of suing, even with a prospect of a verdict in their favour, for the whole; but the cases were common in which claims of 5*l.* were thus reduced." All these facts had made the Commissioners thus report to his Majesty—"We believe the complaints made by numbers, whose evidence is stated in the appendix to this Report, to be just; that creditors are, from a want of sufficient means to obtain redress, obliged to abandon their just demands; that debtors are, from the same cause, tempted to a dishonest resistance, and that the result is great injury to public morals, and private rights." He did not feel it necessary to detain their Lordships longer on this part of the subject than while he added, that nothing was more calculated to weaken the attachment of the people to the Government, and to lessen their respect for the laws, than the knowledge, that those laws failed to give them that protection to which all subjects were entitled, as well in their property as in their persons. To such a state of things it was necessary that some remedy should be applied. He now came to the consideration of the remedy. The only remedy of which he had ever heard, save that proposed in the Bill now before their Lordships, was the improvement in the system of the Courts. He would except one other which had been suggested—of transferring claims for debts to a certain amount for adjudication to the Quarter Sessions; but, he felt, that it would be a waste of their Lordships' time to enter into any arguments against so wild a scheme as this of transferring to Courts already so overloaded with other business such an addition as this would turn out to be. The other remedy, then, was the improvement in the County Courts; but these were so numerous—so different in their modes of practice—some of them acting on very old practice, and others under the authority of Acts of Parliament; in short, the defects of them were so numerous, that he was convinced it would be much easier — as had once been said of an individual — much easier to make one entirely new than to improve those which were already in existence. The extent of the jurisdiction, the nature of the pleading, the form and practice in many of those Courts, were greatly different from those in others. In some the jurisdiction extended to claims of

5*l.*; in others, in general, it did not go beyond those of 40*s.* In some the pleadings were as operose, and the whole process as tedious and expensive, as in the ordinary Courts of Law; in others there was frequently a delay of five months between the commencement of the suit and the final decision. In some it happened, not unfrequently, that an expense of 6*l.* was incurred in recovering a debt of 40*s.* Then, there was the inconvenience of the distance, for the suitors in some of the County Courts had to come a distance of fifty miles to proceed with their claim for the recovery of a debt under 40*s.* There was, also, the great disadvantage of the want of a Judge. The Sheriff, who was in law the Judge, went out every year. In every case the Sub-sheriff might be, and in many instances was, changed as often, and with each change there might be a change of the assessor; so that there was this radical defect in the system—there was the want of a Judge. But, it might be said, you could place a permanent Judge over these Courts, by appointing some professional man with a good salary, and might change the system of pleading and attachment, for, by the practice of some of the Courts, the moment a suit was commenced an attachment might be issued against him; and if he did not come in, and pay down a certain sum into Court, his goods might be sold even before the cause was tried; but, he repeated, it would be much easier to make new Courts, where they would be unfettered by old customs and different practices, than to remodel the old County Courts. But, in such remodelling, they could not even preserve the name of County Courts. Indeed, in effect they had ceased to be so already, for in the original construction of those Courts the suitors were the Judges, which they had, in most cases, ceased to be, but in the suggestion of the improvement of the Courts it would be necessary in some counties—in Lancashire and Yorkshire, for instance, and even in the West Riding of Yorkshire—to have more than one or two of such Courts, while, in other instances, three or four Courts must be moulded together to be included in the jurisdiction of one Court, which could not thus even preserve its name of a County Court. Now, as to the necessity of the establishment of such Courts as he proposed, it was scarcely needful for him to do more than to point out the vast number of causes which were brought into Court for sums under those over which the proposed Courts were to have jurisdiction. In the year 1827, the number of affidavits of debt in London for sums above 10*l.* was 93,000, and of these 78,000 were for sums under 100*l.*, and 30,000 of these, again, were for sums under 20*l.* Out of 830 actions, tried in London and Westminster, in one-third verdicts were given for sums under 20*l.* He remembered, that, at one Assize for Lancashire, the average amount of the verdicts given was under 15*l.*, the lowest sum for which a man could then be held to bail. The number of causes in the Oxford Circuit, in two years, was 340, of which 160 were for sums under 20*l.* These instances were enough to show the necessity of dealing with the subject. He was aware, however, that they might operate both ways, and render some noble Lords cautious in meddling with a matter so important and of such extent. But, the amount of actions for small sums should induce their Lordships to apply a remedy to the evil; and allow men to sue for money really due to them so as not to have a prospect of losing more than they gained by a favourable verdict. Their Lordships were not without examples of the good effects which might result from the establishment of such Courts as his Bill proposed. There were some Courts on the same general plan in Lancashire, but though defective in many respects, and capable of great improvement, they had been productive of much benefit. However, as he had said of the County Courts generally, it would be much easier to have new Courts than to remodel and alter these. But they had a much stronger illustration of the sort of Courts he meant, and a better proof of the good which would be likely to result from them, in the Sheriffs' Courts of Scotland, in which almost every action between man and man might be tried, and in a cheap and expeditious manner. Those Courts were, he admitted, capable of being greatly improved, and, he hoped, that the time would arrive when such improvement would be made; but even defective as they were in some respects, and if they were never to be improved beyond what they now were, they were such as Englishmen might look upon with envy from the great benefits they were calculated to confer. The first thing which would strike an Englishman, in looking at the practice of those Courts, was the cheap rate at which justice might be administered. A man might sue there for 12*l.*; and if the action were undefended, which was often the case, the costs did not exceed 10*s.* If the case were defended, it would amount to much more—it might come to 5*l.*, which was a great deal too much, and in this respect the Courts ought to be improved. But even here the plaintiff had an advantage which he could not have in England, for after the taxation of costs he would find, that he obtained the sum for which he sued within 5*s.*, while the plaintiff in Westminster Hall very frequently found himself out of pocket in consequence of his costs in recovering a verdict for 15*l.* or 20*l.* Now, in Scotland, a man who sued and recovered a verdict for 100*l.* would not find himself out of pocket more than 20*s.* The advantage of this system would be further seen in the number of cases decided in the Sheriffs' Courts in Scotland, which, taking the average of three years, ending in 1823, the date of the last Return, would be found to amount to 22,000 above 5*l.* in each year. Out of these there had been only 117 appeals, and of which not more than one-half had been prosecuted; so that a vast proportion—more than 99 in 100 cases — were finally disposed of in the Courts below. Then, what was the amount of property involved in these causes? Taking the amount as for one county—the greatest mercantile and manufacturing county in Scotland, Lanarkshire, as a criterion—the calculation was, that, in the course of the same three years, the property disposed of in these Courts amounted to no less than 500,000*l.*; which, taking into account the proportion of the population and wealth of Scotland to those of England, would give the sum of 3,000,000*l.*, as capable of being disposed of, in three years, by the Local Courts he proposed. He mentioned these facts, by way of illustration of the great difficulty under which the suitors of England at present laboured; and he was quite sure it was not necessary for him to say more to induce their Lordships to consider the expediency of giving the proposed plan a favourable trial. He would now say a word as to the question of compensation. If it was intended to raise any objection to the measure on this ground, he should, he hoped, remove it by stating, that there was nothing in the Bill on their Lordships' Table which could create a cause for compensation. It was, indeed, the opinion of the Commissioners, that the small local jurisdictions should be abolished, and in the principle of that opinion he fully concurred. He thought, that such jurisdiction should be gradually merged in the new Courts; but there were considerations which, in his opinion, would render it imprudent to abolish the small local jurisdictions at once. It would be impossible, at first, to know the amount of business which might be done in the new Courts, and until they had some experience in that respect, it might prove exceedingly inconvenient to burthen those Courts by transferring to them the business of the small local jurisdictions. Some of the small debt Courts disposed of 7,000 or 8,000 causes in a year, and one of them even disposed of as many as 20,000; and, therefore, great inconvenience might and would be experienced till the Local Courts were got into train, and till it was ascertained what they could accomplish. When they found what they had to do in those Courts, they might then inquire which of the smaller Courts they should allow to remain and which to abolish; for he did think, that some of the small Courts might be continued with advantage; but, he thought it would be the better course not to touch the smaller Courts at present. At the same time, it was not his intention that the small Courts, and those which this Bill would establish, should have concurrent jurisdictions. He would keep them separate, leaving to the new Courts the jurisdiction in all cases above those of the smaller Courts unless the Legislature should see fit to take further proceedings with respect to the latter. He would now say a word upon a subject connected with this Bill, which more properly belonged to the other House of Parliament — he meant how the Judges and Registrars and Clerks in the new Courts were to be paid. He was afraid, that in dealing with this question their Lordships and the other House would find themselves in a difficulty which they could not easily obviate; and that while they anxiously desired to take one course, they would be obliged to follow another. If there was anything which the public had a right to expect more than another, it was, that the due administration of justice should be at the general expense, and not at that of the suitors. The suitor had already to pay his attorney, his counsel, and the expense of bringing his witnesses. If the principle of regulating those Courts were good, the suitor ought not to be called upon to pay anything more than he could recover by the verdict in his favour; but, unfortunately (and this was one of the strong arguments in favour of the Courts which this Bill would establish), the expenses were so great in our ordinary Courts, that the costs of the plaintiff frequently exceeded the amount recovered by the verdict in his favour. They had, however, now lived to see the day when taxes upon law proceedings, as such, were admitted to be most unjust and impolitic as sources of revenue. Since the time of Mr. Bentham's unanswerable demonstration on the subject, there was, he believed, no sensible man who entertained any other opinion than that such taxes were most unjust. In accordance with this now general admission —an admission now recognized by the Legislature itself—it should follow, that the Judge, the Registrar, and the clerks of the new Courts should be paid by the public, and not by the suitors. Yet when he said this, he had great doubts, considering the necessities of the State, and the unwillingness of the subject to submit to any new addition on their burthens he feared it would be necessary to have some fees taken in the new Courts; but while he admitted this overruling necessity, he must enter his protest against the principle, and insist that any tax, no matter what, for the purpose of drawing the payment from the public rather than from the suitor would be better than fixing it on law proceedings. Another point on which he would say a few words was, the probability that this Bill might be opposed by a band of individuals, whose interests might be more or less concerned; but he trusted, that any appeal from those parties would be made to their Lordships in vain. It would be absurd and unjust to let the petty interests of a few individuals stand in the way of a great measure in which the interests of the public at large were so greatly concerned. Unfortunately, however, it was seen, that important public measures were sometimes greatly impeded by the opposition of such petty interests. It was stated by Bishop Burnet, that when Lord Somers introduced his Bill for the better protection of suitors in Courts of Law, it was "found to affect the clerks and under officers, whose interests were more considered than those of the nation itself." The Bill consequently encountered the hostility of those who had some petty interests involved in the question, and in order to escape their opposition, some of its most important clauses were omitted, and the utility of the measure essentially narrowed. He trusted, that if any such attempts were made with respect to this Bill, they would be defeated. He now came to the last point on which he meant to occupy the attention of their Lordships he meant the changes which he had made in the Bill since its first introduction. In the first Bill the jurisdiction of the Courts was intended to extend to actions of 100*l.*, but in the present Bill the jurisdiction was not to extend to cases where the sum exceeded 20*l.* and this he made in deference to the recommendation of the Commissioners, who were of opinion that they ought not to go further at first. Another change was, that it was not intended to proceed at once with the establishment of these Courts all over the country, but the Crown was to have the power to select three or four districts in which such Courts should be established at first, and as they had experience of the operation of these Courts to extend them to other places. If he should be told that this was an experiment, he should take it, not as an objection to the plan, but rather as a compliment. It was an experiment; and an experiment, too, in which he and their Lordships might have occasion to make alterations as they should see how it worked: for his own part he did not expect that he should ever be able to present any bill to the House in the operation of which experience might not show—even if passed in the exact state in which it was drawn—that many things had been omitted which ought to have been inserted, and some things inserted which it were better had been omitted. He therefore thought it better that they should proceed at first with caution, and therefore with greater chance of safety; and when guided by experience, they might even in a few months come to a perfect system, or at least to the foundation of a system, so complete as to enable the people of this country to say what they had now no pretension for saying—that they could obtain cheap, effectual, and universal justice. He would now move, that their Lordships should resolve themselves into a Committee of the whole House on this Bill.

Lord *Lyndhurst* said, that, in pursuance of his pledge, that if he should find this Bill a just and wise measure it should have the best support that he could give it, he had given it his most serious consideration. He had not, however, trusted wholly to his own opinion, but had consulted with those on whose judgments he placed greater reliance than on his own, and the result was, that he could not support the Bill in the shape in which it now stood. In this, he repeated, he did not merely give his own opinion, he had conferred with many persons, much more experienced than himself, and he must say, that in Westminster-hall—from the highest to the lowest—with some, he would admit, learned exceptions, the great body of the learned profession were adverse to the measure. It might be said, perhaps, and his learned and noble friend might be inclined to insinuate, that some of these were interested parties. He would admit, that some of them were; but the great body had no other interest in the matter than that which they possessed in common with their Lordships, and he must add, what he was sure his noble and learned friend (the Lord Chancellor) would admit, that no body of men were ever less disposed than the body to which he referred, to oppose their own interests to any measure which had the public advantage for its object. He would freely admit, that with the multitude, this was a popular measure. Well, it might be so. It promised cheap—it promised expeditious law. Those were plausible topics—topics well calculated to catch the breath of popular opinion. But it should be borne in mind—and he trusted the country and their Lordships would think well upon it—that cheap law did not always mean cheap justice, nor expeditious law expeditious justice. His noble and learned friend had laid some stress on the opinions of the Law Commissioners, to whom the consideration of this matter was referred, and he was ready to admit, that the talents and ability of the learned Gentlemen who composed that Commission gave a weight to their opinions which entitled them to great respect, but he must say, at the same time, that besides the fact that one Commissioner had dissented as to the extent of the jurisdiction of the new Courts, there were men equal in learning and ability to those Commissioners, and far exceeding them in numbers, who came to a very different conclusion on the subject. As the question had been referred to the Commissioners, he had taken the trouble to go through the whole mass of evidence appended to their report, and he must say, that much of it was inconsistent and contradictory. He would, however, pass over that, and come to the opinions given by the great mass of individuals connected with the trading community, who, he admitted, were most interested in this measure; and, amongst these, he found that many seemed to be only anxious for an expeditious mode of recovering their debts. Some were clamorous for the repeal of the Insolvent Law, which would thus place the debtor at the mercy of his creditor; and there were others who required what he was sure would excite a smile amongst their Lordships, or at least on the countenance of his noble and learned friend, for they asked no less than that commercial questions should be decided without the aid of any legal authority, and left entirely to the decision of a number of merchants, who would thus be left to administer the commercial laws of the country. When he found this evidence, so much relied upon, containing matter of this kind, he owned that he was not disposed to attach that importance to it to which his noble and learned friend seemed to think it entitled. He was ready to admit the existence of the great evils, and inconveniences, and hardships complained of in our present system, but, unfortunately, those hardships and inconveniences were almost inseparable from any system which could be devised. Justice must be administered upon some general rules, and, in the adherence to those rules, it would be impossible to avoid hardships and inconveniences in some cases. He was sure, that even in the new system which his noble and learned friend proposed it would be impossible to avoid them. But he hoped, that before he sat down, he should be able to convince their Lordships that the difficulties and the hardships of which his noble and learned friend complained, under the administration of justice as it now stood, might be obviated without that total dislocation of our whole system for the administration of justice, which his noble and learned friend, by the present Bill, proposed. Before they changed that system, they ought to examine its principle, and their Lordships would, perhaps, allow him to direct their attention to the foundation on which it rested. It was admitted on all hands, that the administration of justice in this country was more pure than that of any other country in the world. It was not only uncorrupted and incorruptible, but it was, he was proud to say, above suspicion. But, when we had this purity in the principle of its administration, should we not be cautious how we put this system to any hazard by a change? He said, that there was no country on the face of the earth, in which greater attention had been paid to the form of proceedings, and to the due administration of justice between man and man, than in our own. Now, why was it that our proceedings were in all cases so clear and definite? Because the great object of our system was to avoid litigation. If contests arose between individuals about their rights, they went at once to consult their legal advisers; and so clear in most cases was our law, that nothing was more usual than for suitors, on their first application, to receive this answer:—"You have no chance of success. You should adjust your difference as you best can, and so put an end to the contest at once." He believed, that out of every fifteen suits commenced in our Courts, not more than one ever came to trial, for the parties, as he had already stated to their Lordships, immediately consulted their legal advisers, and thus obtaining a knowledge of their real situation, without incurring further process and expense, proceeded to adjust their differences in the mode, which, the certainty of the law being decidedly either for them or against them, rendered most expedient. It was the beauty of this preventive part of our system, that their Lordships ought to bear perpetually in mind whenever they were called upon to legislate on projects of this nature. To what was it to be ascribed? And what, above all other things, was the cause of it? It was to be ascribed to the central system of the administration of the law in England. Twelve or fifteen Judges, educated in the same manner—sitting together at one time, and in one place—consulting each other daily, and, if need be, hourly—subject to the criticism of their compeers, subject also to the examination of an acute and vigilant bar—kept constantly alive to the justice of the decisions of the Judges by the importance which they exercised over the interests of their clients—ensured for the judgments of our Judges, a certainty, a precision, a freedom from corruption, and even a freedom from the suspicion of corruption, such as had never existed in any other country. There was, moreover, this further advantage in the system, that the same individuals going as Judges into the different counties of England, and carrying with them the same temper and the same spirit to administer the law in the provinces, rendered its proceedings uniform and universal; and even where any of their number committed on the circuit any mistake, rendered that mistake easy of correction, by reference to their whole number, when again assembled within the precincts of Westminster-hall. He had detained their Lordships at this length, in detailing the principles on which our present system was founded, in order to enable them to decide, with more certainty, whether they ought or ought not to sanction the inroad which his noble and learned friend was intending to make upon them by his present Bill. On an occasion of this importance—for he admitted it to be an occasion of importance, and the full attendance of their Lordships showed, that they considered this question, from its connexion with the impartial administration of justice, to be a question of importance—on a question of this importance, he wished to fortify his own judgment, by the authority of others of greater weight and experience than himself. Mr. Justice Blackstone, in describing the administration of law as administered by our Judges of Assize, used this forcible and elegant language:—'The very point of 'their being strangers in the country is of 'infinite service in preventing those fac'tions and parties which would intrude in 'every cause of moment, were it tried 'only before persons resident on the spot, 'and as this constitution prevents party and 'faction from intermingling in the trial of 'right, so it keeps both the rule and the 'administration of the laws uniform. These 'justices, though thus varied and shifted at 'every Assize, are all sworn to the same laws, 'have had the same education, have pur'sued the same studies, converse and con'sult together, communicate their decisions 'and resolutions, and preside in those 'Courts which are mutually connected; 'and hence their administration of justice, 'and conduct of trials, are consonant and 'uniform; whereby that confusion and 'contrariety are avoided, which would 'naturally arise from a variety of uncom'municating judges, or any provincial es'tablishment.' That was the principle laid down by Mr. Justice Blackstone—a principle verified by daily experience, and of the truth of which their Lordships must, from their own observation, be fully convinced. He would next proceed to show their Lordships, that, if they should determine to adopt this Bill, they would be proceeding in an inverse order from all their former proceedings. Formerly, the administration of justice throughout England was by Local Courts and Tribunals. Great inconvenience was found to result therefrom, and the system was abandoned in consequence, and the present system was established in its stead. The Report of the

Commissioners alluded to the opinion given on this subject by Sir Matthew Hale. He wished to point out to their Lordships the reasons upon which that learned and excellent Judge rested his opinion, for those reasons were decidedly opposed to the retrograde course, which his noble and learned friend now proposed to them to pursue. Sir Matthew Hale, speaking of the improvements made in our laws from the time of Henry 1st, down to that of Edward 1st, mentioned, that up to the time of Henry 2nd, the administration of the common justice of the kingdom seemed to be wholly dispensed in the County Courts, Hundred Courts, and Courts-baron—Courts which, at that time, were of higher character than they were now. 'This,' said Sir Matthew Hale, 'doubtless bred great inconvenience, 'uncertainty, and variety in the laws—'first, by the ignorance of the judges, who, 'in process of time neglected the study of 'English law, as great men usually did.' The learned Judge then proceeded as follows:—'Secondly, another inconvenience 'was, that this also bred great variety of 'laws, especially in the several counties. 'For the decisions, or judgments, being 'made by divers courts, and several independent judges and judicatories, who had 'no common interest among them in their 'several judicatories; thereby, in process of 'time, every several county would have 'several laws, customs, rules, and forms of 'proceedings; which is always the effect 'of several independent judicatories, administered by several judges. Thirdly, 'a third inconvenience was, that all the 'business of any moment was carried by 'parties and factions. And, although in 'cases of false judgment, the law, even as 'then used, provided a remedy, by writ of 'false judgment, before the king or his 'Chief Justice; and in case the judgment 'was found to be such, in the County 'Court, all the suitors were considerably 'amerced; which also continued long 'after in use, with some severity; yet this 'proved but an ineffectual remedy for 'those mischiefs. Therefore the King took 'another and more effectual course; for in 'the 22nd year of his reign, by advice of 'his Parliament, held at Northampton, he 'instituted justices-itinerant; dividing the 'kingdom into six circuits, and to every 'circuit allotting three Judges, knowing or 'experienced in the laws of the realm.' Thus, their Lordships would perceive, that the principle which his noble and learned friend wished to introduce again into the system of the country was that very principle which had formerly existed in it, and which had been abolished on account of the inconveniences to which it had given birth; owing, first, to the ignorance of the Judges; next their varying and contradictory decisions; and, lastly, to their permitting all business of importance to be carried by parties and factions. To obviate these inconveniences, that great Monarch, Henry 2nd, had adopted the system of justices-itinerant, nearly in the same form in which the system existed at present; and to revive those inconveniences, nothing more appeared to him to be necessary, than the enactment of this project of his noble and learned friend. Their Lordships would perhaps think, that he was treating this part of the subject too seriously, for they might suppose that the extent of the jurisdiction which the Bill of his noble and learned friend would create was more limited than, in point of fact, it really was. He was therefore anxious to show their Lordships the extent to which this Bill would transfer the business now transacted in Westminster-hall from the Courts there to the local tribunals which this Bill was intended to establish. He had himself made many inquiries upon the subject, and he was bound to say, that they fully confirmed the statement of his noble and learned friend on the woolsack. He had found, by reference to the business of the circuits which he had himself attended, and by inquiries which he had made of those who were most conversant with the state of business in Westminster-hall, that by this Bill full two-thirds of the business now transacted in the Courts of Westminster-hall would be transferred to these local tribunals. One thing, of which their Lordships ought never to lose sight in the course of this discussion, was the great, he might even say the enormous, extent of the measure proposed by his noble and learned friend—a measure which would unquestionably detach from the Courts at Westminster one-half, if not two-thirds, of the business at present transacted within them. This was not all. There were some inquiries for which these local tribunals were certainly not adapted, and which, by some strange fatality, were in future to be monopolized by them. The jurisdiction of these local tribunals was to extend to all cases of libel, where the plaintiff laid his damages at *50l.* Now, as the amount of damages must, in all cases of libel, be uncertain, and as it was to be enacted, that if a plaintiff, trying his cause in Westminster-hall, did not recover a certain amount of damages, he was not to be entitled to recover any costs, it followed almost as a matter of course, that after the passing of this Bill, all actions for libels in which the amount of damages was uncertain, would be tried before these local tribunals. What! try a libel by six common Jurymen under a judge residing on the spot, living among the parties, knowing the witnesses intimately, influenced perhaps by their local prejudices, and thus acting so as to create a feeling, or if not a feeling, a suspicion, that he was acting partially? Would their Lordships let such a measure have their support, merely because it emanated from the liberal spirit of his noble and learned friend? There were a great number of similar cases, which, by this Bill, would be transferred from the Courts of Westminster-hall which were competent to decide upon them, to local tribunals, which would possess no competency at all. All actions of false imprisonment, where the damages in the first instance must of course be uncertain, must, as matters of course, for the reason which he had already stated, be tried before these local tribunals; so that every Magistrate who unknowingly transgressed the law, or was guilty of any technical violation of it, would be liable to have an action brought against him, and to have it tried, not before a Special Jury, but before this narrow tribunal of six common Jurymen, on whom party prejudice and every other narrow feeling was likely to operate, under a Judge who was living on the spot, and who might be, in consequence, either the enemy of the Magistrate against whom the action was brought, or the enemy of the party who brought it. He mentioned these circumstances to give their Lordships an insight into the real nature of this Bill: for, when noble Lords said, that this was a Bill to enable individuals to recover the amount of their just debts at a low rate, they were only taking a very partial view of it; and he would illustrate this, by calling to the recollection of their Lordships what the argument was which had been used not very long ago for the abolition of the Welsh Judicature. What, he repeated, was that argument? Was it not that the same Judges always went the same circuit, and that partiality, influence, and corruption were supposed to prevail there in consequence? He should never forget the speech which he had had the good fortune to hear made in the other House of Parliament by a noble Earl who was then leaning against the Table. The noble Earl, upon that occasion, after referring to the opinion of Blackstone, which he (Lord Lyndhurst) had already quoted, and after stating that the results in Wales had been exactly what Blackstone had predicted as likely to follow from an opposite system to that which he had been describing, asked: "Is it possible to describe more accurately the state of Wales? We have the despised jurisdiction, the suspicion of partiality, the conflicting practice." That was the ground upon which the noble Earl pressed upon the other House of Parliament the necessity of altering the constitution of the judicature of that part of the British empire. On that occasion, as he had already told their Lordships, he was present in the other House of Parliament; and then he heard another individual argue the same question exactly upon the same principles. These were his expressions:—'The first objection to the system of 'Welsh Judges was, that they never 'changed their circuits: to whatever circuit they were appointed, over that they 'continued to preside; and thus it happened that they became acquainted with 'all the landholders of the neighbourhood, 'with the gentry—nay, even with the very 'witnesses who came before them. The 'names, the faces, the very characters of 'these persons soon became familiar to 'them, and out of this grew likings and 'prejudices which never did and never 'could cast a shadow of shade over the 'twelve Judges of Westminster-hall.' He need not mention to their Lordships the name of the individual who used that phraseology; their Lordships were already well acquainted with his style, for they were in the habit of listening to it almost every night with mingled feelings of delight and instruction. Abolish the twelve or the fifteen Judges of Westminster-hall, because they become, by going their circuits twice a-year, liable to partiality, or, what is almost as bad, the suspicion of partiality; but establish, at the same time, a set of Judges who are to be going for years, and for several times in each year, the same narrow circuit who are to reside constantly within it, and who by residing within it, are likely to become ten times as familiar as the present Judges with the faces and characters of the parties between whom they have to decide, and of the witnesses whom they have to examine. Could their Lordships, if they had not seen the present Bill, have believed, that his noble and learned friend on the Woolsack would have consented to propose to them the re-introduction of a system which was pregnant with evils, even ten times worse than those which he had always been so active in denouncing and remonstrating against? His noble and learned friend on the Woolsack had said, that this Bill was only an experiment. Now, it appeared to him to give to his Majesty's Ministers the power of establishing as many of these Local Courts as they might think fit. The Bill formerly introduced on this subject was precise and definite, and that very circumstance led him to believe, that there was more meant by this enactment than his noble and learned friend publicly and openly avowed. The operation of this Bill was formerly to be confined to the county of Kent, and to one of the northern counties; and after the experiment had been tried and found to succeed, application was to be made to Parliament for its extension to other parts of the kingdom. But now let their Lordships mark the difference. Abandoning the principle of this old Bill, his noble and learned friend now proposed to give a power to his Majesty's Government to establish as many Courts at any time and at any place as it might deem convenient. When he saw, that the former provisions of this Bill were abandoned, that greater powers were given to the Government in their stead, he could not help looking at this Bill with greater jealousy than perhaps he ought otherwise to have done. He could not help thinking that it was intended at once, and without trying any general experiment, to establish this Bill in full operation. But his noble and learned friend had pursued his argument still further. In the course of it, his noble and learned friend had referred to the existence of Local Courts in other countries, and to their operation in those countries. Into that part of his argument he readily and willingly followed his noble and learned friend. That system, as their Lordships were well aware, had for some time past been established in France. He requested their Lordships to take up any book that had been written by French lawyers on that subject, and after reading it, to form an idea of the practice of those Courts, and of the nature of their system; influence, partiality, corruption, or the suspicion of corruption, were the prevailing features in it. Establish the same system here, and might not precisely the same consequences result from it? "Oh, no," said his noble and learned friend, "we have tried this system in Scotland, and nothing of the kind has happened there." To that assertion he (Lord Lyndhurst, frankly replied: "No, you have not tried that system. I admit, that Local Courts are at present established in Scotland, but you, the highest law authority in the country, have told us, that those Courts must be purged and purified before they can become all that you wish them." That Local Courts had been established in Scotland he readily admitted; but that they worked abominably he would prove by the admission of his noble and learned friend himself. He well recollected, that on certain petitions being presented from the inhabitants of Scotland by Mr. Cutlar Fergusson, his noble and learned friend had expressed his feelings respecting those Courts in the following terms:—'It had 'frequently happened, as the law at present 'stood, that a delay had taken place of two 'years, and in some instances of five years, 'before a cause could be finally adjudicated 'before this officer. In causes concerning 'accounts such delays were frequent. The 'written pleadings from the two parties 'went on for a long time, and amounted 'to an immense mass of papers. The 'Sheriff-substitute had to go through them 'all, and in the fulness of time he gave 'his decision on the matter. It might 'then be brought by appeal before the 'Sheriff depute, who might reverse the 'decision, or order it to be referred to the 'Court of Session, and from that Court it 'might finally be brought by appeal to the 'House of Lords.' There were stages, too, he recollected, in these appeals from the Sheriff-substitute to the Sheriff-depute; and he recollected well, that his noble and learned friend had told them, that the usual course on those appeals was for the Sheriff-depute to affirm the process of the Court below by taking the papers and by writing upon them, after he had read them, the word "adhered." In some county or other it was much doubted whether the Sheriff-depute ever perused the papers that were sent to him by way of appeal, and in order to discover that fact, some rose-leaves were placed between the pages of his brief. The papers came back with the word "adhered" endorsed upon their back, but on examination it was found that the rose-leaves, to use his noble and learned friend's phrase, remained unruffled. He used this circumstance to prove, that this experiment had not been tried successfully in Scotland. At present the practice of the Scotch Courts was admitted to be a nuisance. Whether when the written pleadings should be abolished, and the *vivâ voce* evidence should be admitted in their stead, the nuisance would be abated, was another question, into which he was not called upon to enter on the present occasion. There was another country, besides Scotland, in which this system had been tried, and he would now read to their Lordships the opinion which Captain Hall had published regarding its operation in the United States, desiring them continually to bear in mind that the habits of Americans were, with some slight exceptions, the habits of Englishmen. He would apologize to their Lordships for detaining them at such length, were he not conscious that he was now only following the path and treading in the steps of his noble and learned friend in order to make good his position. Captain Hall said:—"The principles of bringing justice home to every man's door, and of making the administration of it cheap, have had a full experiment in America, and greater practical curses, I will venture to say, were never inflicted on any country." Speaking of the state of Pennsylvania, he adds:—'They have done 'away with nearly all the technicalities of 'the law; there are no stamps, no special 'pleadings, and scarcely any one is so poor 'that he cannot go to law. The consequence 'is a scene of litigation from morning to 'night. Lawyers, of course, abound 'everywhere, as no village containing above '200 or 300 inhabitants is without one or 'more. No person, be his situation or 'conduct in life what it may, is free from 'the never-ending pest of law-suits. Servants, labourers, every one, in short, on 'the first occasion flies off to the neighbouring 'lawyer or justice of the peace to commence 'an action. No compromise or accommodation is ever dreamt of; the law must 'decide everything. The lawyer's fees are 'fixed at a low rate, but the passion for 'litigating a point increases with indulgence 'to such a degree that these victims of 'cheap justice, or rather cheap law, seldom 'stop while they have a dollar left.' Then there was another testimony to the same effect in *Faux's Memorable Days in America*. Faux says:—'Litigation frequently arises here from the imaginary 'independence which one man has, or 'fancies he has, of others; to show which, 'on the least slip, a suit is the certain 'result; it is bad for the people that law is 'cheap; as it keeps them constantly in strife 'with their neighbours, and annihilates 'that sociability of feeling which so strongly characterizes the English.' Having referred to these instances, he would now call the attention of their Lordships to the manner in which it was expected this Bill would work. First, with regard to the practitioners of English law. He contended that to no set of men did the liberty of England owe more than it did to the members of the English Bar. They had been, on the one hand, the safest guardians of the people against the assaults of arbitrary power, and he had no doubt that they would prove themselves on the other, the strongest barriers of the throne against democracy and republican usurpation. Now, this Bill was, in his opinion, destructive of the independence of the English Bar. As soon as the Provincial Courts were established, which were to take away from Westminster-hall two-thirds of the business now transacted in it, they would have an immense body of provincial barristers. Many of the barristers now practising in Westminster-hall must necessarily abandon their town practice and convert themselves into provincial barristers. Need he tell their Lordships that such barristers would be inferior in learning, would be inferior in talent, would be inferior in intelligence, would be inferior in all those great and glorious qualifications which had so long distinguished the bar of England? Let their Lordships look again to the mode in which this Bill would operate on the bar. It would take two thirds of the ordinary business from the Assizes, where young men recently called to the bar went to learn experience, and to form themselves to the practice of the Courts, and to succeed to those vacancies in their profession which the death of some and the elevation of other members of it were daily opening to their hopes and to their ambition. The business done at the Assizes would be so small in consequence, that young men would cease to go the circuits, and the little business that was left would be absorbed and monopolized by the provincial counsel. Now, it ought to be recollected that from the members of the bar, the Judges and the Lord Chancellor must of necessity be selected. Let their Lordships remember how deep an interest they had in upholding the character and maintaining the dignity of that class of men from whom the future Chancellor must be selected. Again, the Judges who were to preside in these Local Courts were to be barristers of ten years' experience, and men of irreproachable character. Now, he would tell their Lordships that if they sent such a man to live by himself in the country, and not to associate with his equals in legal knowledge and character, the chances were that in the course of five years that man would degenerate into a mere drone. He would ask their Lordships whether a man of such a character, ay, or of such a class, was a fit person to be Lord Chancellor? He had looked at the former bills introduced on this subject by his noble and learned friend, and at the table of fees which those bills sanctioned; he had found those fees to be so low, that none but very needy attornies would work for them. The effects of the Bill, therefore, would be to place in the lower department of the profession a set of men on whose honour and integrity you could place no reliance; you would have them promoting chicanery and encouraging litigation, for no other object than to recompense themselves by the multitude for the small amount of their fees: and thus you would degrade the legal profession from its highest members to the lowest, by involving judges, barristers, and attornies in one common poverty and ruin. If he (Lord Lyndhurst) had been fortunate enough to possess the powers of eloquence which belonged to his noble and learned friend, he would have placed before the eyes of their Lordships a picture of such hideous deformity on this topic as would have caused them to turn from it with shuddering and horror. But he would ask their Lordships was the cost nothing in this proposed alteration of the law? Let one-tenth part of the cost which this Bill would occasion to the country, be applied to the improvement of their present system, and all the defects in it, which his noble and learned friend deplored so vehemently, would be done away with for ever. According to the calculation of his noble and learned friend, a sum of 150,000*l.* would be necessary to form this new establishment: but he should not be acting fairly to their Lordships, if he did not acquaint them that he had been informed by practical men that the cost of it would be somewhere between 250,000*l.* and 300,000*l.* He admitted that neither their Lordships nor the country could pay too much for clear, precise, and accurate justice; but to pay such a sum as he had just mentioned for vague, indefinite, and uncertain justice, was an absurdity too gross for either House of Parliament ever to sanction. There was not, in his opinion, the slightest necessity for this measure: and, he would ask their Lordships to consider what was the mode by which his noble and learned friend arrived at the conclusion that this Bill would establish cheap justice. From what arose the necessity to detach from Westminster Hall the causes which were to be transferred to these new tribunals? What were the different stages of a suit? There was process—then came the interlocutory proceedings—and lastly, the trial itself. Those were the three stages. Now, let their Lordships mark how his noble and learned friend arrived at the first of these stages. "I'll have no process and no plea," said his noble and learned friend; "I'll merely have a notice inserted in the schedule." Now, if this were a wise mode of proceeding in causes of small amount, why might it not be successfully applied in the Courts of Westminster-hall to those cases where the cause of action exceeds 20*l.*? If there should be neither process nor pleading in the progress of actions in Westminster-hall, process and pleading would undoubtedly cost nothing. If, then, the plan of abolishing them in the local tribunals were wise—though he did not mean to say that it was wise—why might it not be grafted on the plans now adopted in the Courts of Westminster-hall? As to the wisdom of the plan, one word might perhaps be quite sufficient. Their Lordships had recently passed a Bill giving to the Judges of the Courts in Westminster-hall the power of drawing up the pleadings in such a manner upon distinct points, that each of the parties knew what the other intended to prove upon the trial and thus was prevented from carrying to the Assize town a number of unnecessary witnessess. Now under this Bill there were no pleadings, there were no distinct points to be proved upon the trial: and thus it compelled the parties to the suit, and the witnesses, all to go to trial—the one not knowing what was to be proved against them, and the other being ignorant of the points to which they might be called to give their evidence. He had now called the attention of their Lordships to the first step in the suit. The next was the interlocutory proceedings. He was now addressing himself to some noble Lords who were themselves lawyers, and was speaking in the presence, and in the hearing, perhaps, of some of the ablest men of the profession, and he took upon himself to aver that interlocutory proceedings were more cheaply conducted through the medium of the Post-office in London than they could be in any district where the suitor had to follow the Judge, either in person or by his attorney. The interlocutory proceedings must often be taken upon the spur of the moment. An attorney in these Local Courts would often be compelled on behalf of his client to take horse and follow the Local Judge as fast as he could ride; whereas now he wrote to his agent in London to attend at the Judge's chamber without any additional fee to his client—for the fee of the agent and the fee of the attorney were all one, the two parties dividing it equally between themselves. This part, then, of his noble friend's plan would increase, not diminish the cost of an action at law. Now as to the trial; half the expense of the trial consisted of fees paid to the Court and to its officers. Let these fees then, be abolished; let no fees be paid either to the Court or to its officers. All the fees taken in Courts of Justice are now the property of the public. The public had a right to abolish them; for, if he mistook not, a Bill was recently introduced into Parliament enabling the Government to abolish the fees taken in Courts of Justice, even without making any compensation to the present receivers of them. "But then," said his noble and learned friend, "these Local Courts are to be established in small districts, and therefore the witnesses will not have the trouble and expense of travelling so far as they travel at present." Was it necessary for his noble and learned friend to go all the lengths of this Bill to effect that saving, when there was already introduced into the other House of Parliament another Bill, enabling the Crown to subdivide counties, and to hold the Assizes in different places within those subdivisions, in order to prevent these very evils? Why was his noble and learned friend guilty of these exaggerations? He knew the school in which his noble and learned friend had been brought up. At every Assize held at York there were 200 causes, and out of those 200 causes his noble and learned friend had generally had 150 briefs. At York the witnesses were generally kept a week, sometimes a fortnight, before they were examined. All this had perverted the mind, and blinded the judgment of his noble and learned friend. In the smaller counties of England this was by no means the case, but even if it had been the case, the new Bill to which he had just referred, would obviate the difficulty, for counties might be subdivided, and the Assizes held, in as many places as his Majesty, with the advice of his Council, might be pleased to appoint. But then, said his noble and learned friend: "Witnesses are kept at the Assizes a long and indefinite time." Here again his noble and learned friend was misled by his own theatre of action. At York and at Lancaster the Assizes might last ten days or a fortnight; but on the circuit which he had himself gone—as, for instance, at Nottingham, Derby, and Leicester—all the causes were generally tried in two days, and thus the public were put to no great inconvenience, inasmuch as a great part of the witnesses were dismissed at the end of the first day, and the rest at the termination of the second. There was one difficulty, but that not an insurmountable difficulty, with which he (Lord Lyndhurst) felt, that he had to contend on this occasion; but it was his duty and the duty of their Lordships to struggle to surmount difficulties rather than adopt this monster of a Bill. At present there were only two circuits of the Judges in the year. Now, he admitted that in the interval between the summer and the spring Assizes a creditor might be prevented for eight months from getting judgment against his debtor. To remedy this evil let there be three Assizes in the year, and let the Judges be compelled to take upon themselves this additional labour rather than the country be compelled to submit to the mischievous alteration of its laws now projected by the noble and learned Lord. He had thus stated a brief outline of the plan which he would propose to their adoption in lieu of that proposed by his noble and learned friend. He would also give a summary jurisdiction for the recovery of debts of a small amount. He thought that that principle was applicable in many instances to which it was not at present applied, and he would therefore extend it throughout the country, providing fit tribunals to superintend its operation. He would frankly avow that he would extend it beyond 5*l.* He had hitherto considered the principle of his noble and learned friend's Bill. He did not wish to enter into its details at present, lest he should fatigue their Lordships; but he must mention to them two or three of its details as a sample of it as a whole. Nothing was more easy than to throw out a general idea of legislation, nothing more difficult than to carry into effect a plan which should remedy defects existing in the laws, without creating greater defects than those which the plan was intended to remedy. For instance, under this Bill an individual conceives that he has a good cause of action for *30l.*; he brings his action accordingly in the superior Courts; but during the proceedings preparatory to the trial one of his witnesses dies, or at the trial fails to attend; the consequence of this is, that he gets a verdict for less than 30*l.* and thus loses all his costs. That was an injustice arising out of this Bill, and owing its existence to its very principle. Another point was, that the Commissioners had recommended one thing, and that his noble and learned friend had adopted another, with regard to this Bill. It was a clause in this Bill that every action should be brought in the place where the party resided.

The *Lord Chancellor.*—That is a mistake in the printing of the Bill. A line has been dropped in the copying, and entirely altered its meaning.

Lord *Lyndhurst* said, as such was the case, he would not press his objection on that point any further. Again there was a clause in the Bill by which the defendant was to have the right of summoning the plaintiff or plaintiffs to attend before a Judge, and to be examined as to the cause of action. Now, he would state very briefly the hardship of such a regulation. He would suppose, that a House in Liverpool furnished goods to a tradesman in Surrey, and that the Liverpool house was obliged to bring an action against him for the recovery of their value. Suppose the defendant to claim his right to examine the plaintiffs, and each member of the firm as a co-plaintiff in person before a Judge; in that case all of them must attend upon pain of an arbitrary penalty. In such a case would not the House at Liverpool prefer to sit down content with its first loss rather than incur a second loss of 10*l.* or 15*l.* for each partner, on occasion of his journey to London? Would not the members of the firm say, "we had better abandon our cause than all of us take a journey to London?" Again, the judgments recovered in these Local Courts were to be liens on land. Now, when a judgment is recovered against an individual in the Superior Courts it is signed and docketed, and everybody knows where to look for it; but when these Local Courts are established, where are you to look for the charges on a man's estate? You must find out every place in which a man has resided, and examine the Court-rolls there before you can find whether he has or has not any charge upon his estate. Proceeding onwards to execution, we find that a defendant can assign his lands to the plaintiff for the satisfaction of his debt; but in the clause giving the defendant that power there is no arrangement made, that the plaintiff shall hold the surplus of the land above his debt for the benefit of the defendant, and that he shall afterwards give the defendant a full and true account of it. From this circumstance it was evident, that his noble and learned friend had not drawn up this Bill himself, but that he had employed some great bungler to arrange its parts and adjust its clauses. There was another point in which he considered that this Bill would be very prejudicial. What was the great cause of the frauds so often detected by the Courts of Justice? Fraudulent assignments. A creditor obtains judgment against a debtor, and then a whole day is often occupied in investigating whether the debtor has not executed a fictitious assignment to defeat the just claim of his creditor. Now, the Bill of his noble and learned friend would facilitate these fraudulent assignments in a most extraordinary way. The property of a debtor is, by judgment of these Courts, to be vested in the creditor; the consequence will be, that to neutralize this clause a fraudulent debtor will get himself sued by a fictitious creditor, judgment will be hurried on between them with the greatest rapidity, the property will thus be transferred into the power of the fictitious creditor, and, at the conclusion of the transaction, the real creditor will find himself deprived of his only source of remedy. The means by which he is to get rid of this fictitious assignment are not mentioned in this Bill. There were other matters of detail into which he might enter; but he thought that these were sufficient to prove his proposition that nothing was more easy than to point out faults in an existing system of legislation, and nothing more difficult than to remedy those faults, without introducing into it evils still more dangerous and diffusive. He had little more to address to their Lordships, unless it were a word or two upon a visionary scheme for erecting a *Cour de Reconciliation.* As his noble and learned friend had said nothing about any such a Court, he supposed that he had abandoned it as a part of his project. His noble and learned friend knew well that such a Court had been tried in France, in Switzerland, in Belgium, in Holland, in Geneva, and that it had been abandoned in them all, because it had signally and lamentably failed. The only case in which it had succeeded was in Denmark and Sweden, and even in those countries accounts had been given of its success which had entirely misled his noble and learned friend. His noble and learned friend had told them that in those countries so many causes went into Court, so many were adjusted, and so many came out of it and proceeded to trial. Now, he was informed that you could not go to trial in those two countries without suing out a writ of reconciliation, and he understood that in those two countries, as elsewhere, one-fifteenth of all the actions commenced were settled upon that first step. He had now done. He thanked their Lordships for the calm and dispassionate attention with which they had listened to his statements. In this question he had no personal feelings to gratify, no personal interest to serve. This question could not in any point of view be considered as a party question, and he was quite sure, that none of their Lordships would deal with a proposition affecting the impartial administration of justice as such a question. He had told his noble and learned friend some time since, that he should consider this Bill with candour and fairness. To the best of his ability he had so considered it, and he now thought its principle so mischievous that he felt himself bound, in discharge of the duty which he owed to his country, to Westminster-hall, and to himself, to arrest its progress at this stage. He should therefore propose, that this Bill be committed on this day three months.

The Amendment was put.

The *Lord Chancellor,* after a short pause, said he felt it necessary again to occupy the attention of the House, in consequence of the statement just made by his noble and learned friend—a statement which his noble and learned friend seemed to consider perfectly fair and candid, and which he (the Lord Chancellor) would not say was wanting in fairness and candour; but this he must be allowed to state, that a statement more completely overlooking the facts of the case—more completely overlooking the provisions of the measure to which his noble and learned friend professed to have paid so much attention, and of the recommendations of that Report, which he likewise professed deeply to have studied, and on which the present measure was grounded—a statement more full of unintentional omissions and unintentional disregard of facts, he had never yet heard, either from the noble and learned Lord himself or from any other person. He must confess, that the first part of his noble and learned friend's statement had staggered him considerably—but, before he proceeded he begged to apologize to their Lordships for speaking at the present moment. He believed, that by the practice of their Lordships' House, the mover of any Bill was, by courtesy, allowed the privilege of a reply; but all the advantage of this privilege would be lost to him if, upon sitting down, he should be replied to by any of their Lordships. He should, however, proceed at the present moment, upon the supposition that none of their Lordships desired to speak on the subject before the House, inasmuch as a pause had ensued after the putting of the Amendment, and the question seemed about to come to the vote. He, therefore, thought it right to avail himself of the ordinary courtesy extended by their Lordships to individuals in his situation; and he now considered that he was making his reply. To return to the point at which he broke off; he repeated that he was greatly staggered by his noble and learned friend's statement, that the learned Commissioners were not unanimous in their approval of this measure, since one of them dissented from the rest with respect to the provisions of this Bill. Now, if his noble and learned friend had condescended to cast his eye upon the signatures appended to the Report, he would have found—

Lord *Lyndhurst* said, that he was aware that the Commissioners had affixed their names to the Report, but what he had stated was, that they did not approve of many of the provisions of the Bill.

The *Lord Chancellor:* Was, he then, to understand that such a grave charge was meant to be brought against those learned personages, whose names and seals were appended to that Report, that they did not approve of the Bill, at least so far as it followed the suggestions contained in their Report? [Lord *Lyndhurst,* No!] The whole five of the Commissioners approved of all the recommendations contained in the Report; and therefore they must, of necessity, approve of the provisions of the present Bill, because, as far as regarded its main principles, it only went to the extent of those recommendations. The rest of the Bill related to matters of trifling importance—such as limiting the jurisdiction of the Local Courts to sums not exceeding 20*l.*; allowing the right of appeal in certain cases; giving them jurisdiction in various matters with certain exceptions, which exceptions were precisely the same as those stated and recommended by the Commissioners in their Report. Indeed, he had not gone as far as the Report. The trial of an action of ejectment by a landlord against his tenant, in cases where the rent did not exceed 20*l.*, he had purposely omitted from the jurisdiction of Local Courts, though recommended by the Commissioners, in order that the Bill might contain nothing which would in the slightest degree interfere with its principle—that no question should be allowed to be raised in these Courts which could by any possibility have any reference to the right of freehold or copyhold property. He had also fallen short of the recommendations of the Commissioners in another point. They had recommended that an equitable jurisdiction should be given to the Local Judges on questions of legacies. He, for reasons which he had stated on a former occasion, had not embodied that suggestion in the present Bill. Their Lordships, however, on reading over the Report, to which the Commissioners had attached their signatures and seals, could have no doubt that every one concurred to the fullest extent in the leading provisions of the Bill establishing Local Courts with a certain amount of jurisdiction. There might be a difference with respect to the questions of execution and reconcilement, but they were insignificant and not essential parts of the Bill. Their Lordships might make any alteration they pleased in Committee with respect to those parts, if it was to them that the learned Commissioners objected, and yet the measure might still stand, and in every one essential particular be carried into execution according to the Report approved of by those learned personages. His noble and learned friend then urged an argument which astonished him almost as much as anything that had fallen from the noble and learned Lord in the course of his speech that night. The noble and learned Lord said—"Look to the evidence to which the noble and learned Lord on the Woolsack referred, particularly that given by bankers, merchants, and tradesmen, and you will find it so tainted by deep-rooted prejudice, and so full of objections to various parts of the law (one witness advocating the establishment of a commercial tribunal such as existed in France, to take cognizance of disputes arising out of mercantile transactions; another objecting entirely to all insolvent acts) that no reliance whatever can be placed upon it." Excellent well would this argument have been if ever for one moment he had relied on the opinions of those tradesmen, those merchants, and those bankers—if he had ever dreamed of placing any dependence on their views of Law Reform, and on their sentiments of what ought to be done by the legislature to remedy those defects at present existing in the practice of the law. But this was not the purpose for which he had referred to the evidence of these persons. He had over and over again described them in their capacity of sufferers, as objects of prey, and he wondered that that expression did not fix itself in the mind of his noble and learned friend, who was so sensitive to any attack on the profession of which he was a distinguished Member, and that in the exercise of his candour, on which he so much piqued himself, he had not been candid enough to recollect the object for which he (the Lord Chancellor) referred to that evidence. If the noble and learned Lord had recollected that he (the Lord Chancellor) had designated those persons as objects of prey, he could not have failed to have had the candour also to recollect that he (the Lord Chancellor) treated them, not as legislative advisers, but as sufferers, as persons who could speak as to how much they suffered, as to what they lost, and what they did not gain, as to what they endured, and what they said they could not endure, because of its being absolutely intolerable. And who such good witnesses as those who so suffered, and who declared that they were tired of suffering, and that the point of endurance had been passed? Every one of those witnesses—the pettiest tradesman of them all—however ignorant he might be of the law, however prejudiced against the Insolvent Acts, and however ill-qualified to give counsel as to the proper tribunal to be established; every one of them was ten thousand times a better witness to the fact to prove which alone he had resorted to their evidence than his noble and learned friend, or that galaxy of talent and honesty to which the noble and learned Lord had referred, and of which he was the favourite, if not the chosen advocate—namely, that disinterested body of men, the lawyers in Westminster-hall; the barristers, both town and provincial, high and low; everything, in short, that belonged to a Court of Justice, from the registrars down to the clerks, the mace-bearers, and the purse-bearers of the Judges; and particularly the solicitors and attornies, and the solicitors' and attornies' clerks. This was the body to which his noble and learned friend referred, and which was notorious for nothing so much as talent and skill, dexterity, professional acuteness, nimbleness in getting out of difficulty themselves, and getting others into it if they could. It was not, however, for these qualities which the community at large allowed them one and all to possess in an almost unlimited degree, that his noble and learned friend had eulogised them. The theme of his noble and learned friend's panegyric was their purity, their disinterestedness, their self-denial, their entire abrogation of all feeling of self. The noble and learned Lord said—and he somewhat embarrassed him (the Lord Chancellor) by appealing to him to countenance the doctrine, which he wished to God he could have done—that "the moment you propose a reform of the law in any one of its branches, which would have the effect of diminishing the profits of professional men, or of interfering in any way with their interest, that very instant you may lay your account that you will not find—nay, that it will be impossible for you to find (if you went about, like the philosopher of old, with a lantern to search for the thing)—a lawyer resisting the change you propose, because that change will be prejudicial to his own interest. On the contrary, the first thing you ought to expect is, that the whole of Westminster-hall will rise up, not in arms to resist the alteration, but with open arms to embrace it—to hail the improvement with gladness, and to felicitate themselves on the glorious era opening to the country, when the profits of lawyers would be diminished, when cheap justice, and near justice, and speedy justice would be disseminated over the land, and none would have to pay for it but the harpies of the profession." The noble and learned Lord had professed to deal candidly with him (the Lord Chancellor), and he, in return, would really deal candidly with the noble and learned Lord; and whatever advantage it might be to the noble and learned Lord's argument and detriment to his (the Lord Chancellor's), he would at once admit that the profession of the law was subject to a great deal of obloquy on the score of paying too much regard to their interest, and for other things to which they were not entitled. They were much too frequently and lavishly censured for this as well as other failings; but this, he must add, as the result of his long experience, his constant and uniform observation (and he never was more convinced of the justness of any conclusion to which his experience and observation had brought him) that the great body of the profession of the law—he would not say, that there were no exceptions—but the great body of the profession of the law, he repeated, were against any change in the law until change was forced upon them; and uniformly and without exception they were behind the rest of the community—they lagged after the age they lived in in their views of jurisprudence and of legislative improvement in jurisprudence. But though this feeling of disinclination to any amendment of the law existed on their part pretty universally, it was not shared among them equally and distributively; but those highest in the profession had the largest proportion of this bad thing as they usually had of the good things of the law, and, generally speaking, the Judges were those who possessed the most deep-rooted prejudices against any amendment of the law. He did not blame those learned personages for this: he did not even wonder that they possessed such a feeling. It was natural to suppose that men who had been educated, and who had grown up, in the study of a particular system, must be adverse to anything which rendered their previous reading in part useless, and made it necessary for them to begin to learn the law anew. He merely stated the fact, that this feeling of hostility to any amendment of the law was strongly fixed in their minds—and that no one could deny who had either lived in the profession, or had worked, or attempted to work, in the thankless and often-time barren vineyard of Law Reform. His noble and learned friend had made some observations on the great advantages of the present system, and the mischiefs which the present Bill was calculated to introduce by changing it; and he particularly alluded to that which he called "centralizing judicature," in consequence of the Superior Courts in Westminster having a control and superintendence over all Law Courts. He entirely agreed with his noble and learned friend in thinking this to be a great advantage, and which ought not to be sacrificed; but would not any one have believed, from the course of argument adopted by the noble and learned Lord, that he (the Lord Chancellor) had introduced a bill for the purpose of insulating as well as localizing the Administration of Justice—for studding the whole country over with Courts of Justice unconnected with each other, and placed beyond the control of the courts in Westminster-hall? If his noble and learned friend had read the part of the Bill relating to this matter with the same industry which he appeared to have bestowed on one or two clauses, he would have found, that an appeal was allowed from the local courts to Westminster-hall, in all matters relating to law; and no man would ever dream of allowing an appeal on matters relating to fact, least of all his noble and learned friend, who knew, not only that this was not necessary for the object which he seemed so ardently to desire—the maintenance of a uniform system of law—but that it was not allowed as the law was at present administered. It was a rule of law in the higher courts not to allow any Motion for a new trial when the matter in dispute was under the value of 20*l.*, and that rule had been adopted in mercy to the applicant, as he could only obtain leave for a new trial, on the payment of costs, and they would amount to more than the value of that which was litigated. On the same principle the learned commissioners, having limited the jurisdiction of local courts to sums not exceeding 20*l.*, allowed an appeal—not in matters of fact, but in matters of law—and in case of misdirection on the part of a Judge, so that he would be kept under the superintendence and control of the Courts of Westminster, by which their supremacy would be maintained, the uniformity of law secured, and the possibility of the occurrence of that mischief which the noble and learned Lord apprehended, prevented. His noble and learned friend had next talked about the great defalcation of business in the superior courts and in the Assizes which this measure would occasion, and had assumed, that two-thirds of the whole number of causes would be carried away from the superior courts and Assizes, that Westminster-hall would be robbed of its business, and the more respectable part of the Bar injured. He (the Lord Chancellor) had already said, that the number of writs issued for debts above 10*l.* amounted to upwards of 90,000, and one-third of them only were for debts under and equal to 20*l.* Therefore the noble and learned Lord was incorrect in saying that two-thirds of the causes would be removed from those courts. [Lord *Lyndhurst* said, he had spoken of the causes actually tried.] He was aware whom he had to deal with. He knew if he had given in another account than that which he had just stated, it would be said that that was only an account of the number of writs issued, and not of the causes actually tried. He, therefore, had taken the trouble to obtain a return of the number of causes tried, and he found that the proportion of those for sums not exceeding 20*l.* was still about the same. It appeared from the last return published in 1830, for London and Middlesex, that the number of actions was 819; of these 313 were for sums not exceeding 20*l.*, being a proportion of little more than one third; so that, instead of two thirds of the business being abstracted from Westminster-hall, little more than one-third would be taken away, even supposing that the removal of every action for sums under 20*l.* would leave a blank in those courts. This, however, he would presently show not to be possible. In the Oxford Circuit there were 340 causes tried, and less than one half—namely, 160—were for sums not exceeding 20*l.* These were returned, which had appeared in different reports of the law commissioners, founded on authentic documents laid before Parliament; and the result was, that in Middlesex and London the number of causes tried for sums under 20*l.* amounted to one-third of the whole number; and in the Oxford Circuit the number was something greater but he utterly and distinctly denied that it was anything like two thirds of the whole amount. But he contended that the establishment of local courts would not cause a defalcation of business in the superior courts equal to the number of causes which would come under the jurisdiction of the new tribunals. What was it that now prevented many men from bringing actions in Assize Courts? The risk, nay, the almost certainty, of great expense, and the chance of the cause not coming on for trial at all. His noble and learned friend knew, that during the first day or two after the commencement of the Assizes the business was done with great attention and care. He did not mean to say, that some attention and care was not paid to the business as the Assizes drew to a close; but it was undeniable, that a very great difference was observable, not on the part of the Judges, but of the professional men, in the way in which the latter portion of the cause-paper was got over. In consequence of the pressure of business, and the disinclination on the part of suitors to incur more expense, references, more or less voluntary, began to be agreed to. A great tendency was shown to get through business, well if possible, but at all events to get through it; and if any remanets were left, so much the worse for the parties concerned. If, then, the cause-list was relieved from the trumpery 10*l.* 15*l.*, and 8*l.* causes—if they were sent to be tried before Local Courts, an abundance of time would be given to the Assize Courts to try causes of importance. By relieving the cause-paper of trash, a door would be thrown open for questions of real importance, well deserving to be made the subject of discussion before a Judge and a Special Jury. His noble and learned friend had justly said, and no one agreed in the observation more than he did, that any improvement of the law would be most dearly purchased if it tended to degrade the profession, and made justice bad while it made it cheap. His noble and learned friend had laughed at the idea that ten years' standing at the Bar was any security for talent or ability. Why, the term of ten years was the *minimum*, and had been fixed upon for the purpose of ensuring on the part of the Judge a certain degree of standing and experience in the profession; but would it be any defence for any Minister who appointed a local Judge to say, that though the man was unfit in other particulars, he was qualified in respect to his standing at the Bar? Any man who looked at the Bill with any fairness must admit, that a certain standing at the Bar was not intended to be the only qualification for a local Judge. The person chosen for a Judge must be selected for his learning as well as his standing—he must be a man of unsullied honour and unimpeached integrity—above suspicion as to deficiency in skill and experience, and such as Westminster-hall would approve of; and no Minister, be he ever so powerful or headstrong in behalf of a favourite—be he ever so little watched (if it were possible that a Minister could live a single instant, day or night, without being watched; this he knew to be impossible; and he thanked God, that it was so) would dare to appoint any man to be a Judge, whom the approving voice of the Bar did not recommend to his choice, or at all events sanction when chosen. The noble and learned Lord said, that the residence of the local Judges within the bounds of their jurisdiction was liable to the same objections as had been urged by him (the Lord Chancellor), and others against the expediency of permitting the Welsh Judges always to travel the same circuit. He, as well as the learned Commissioners, had given all their attention to this subject, and they had come to the conclusion of adopting what they considered the lesser evil of two. If it were possible that the local Judges could be resident and non-resident at the same time—if they could be in two places at once—if it were possible for them daily to administer justice in the West Riding of Yorkshire, and attend the Courts of Common Pleas and the Exchequer, undoubtedly it would be a great advantage. But they were driven to a choice of evils; and if their Lordships looked to the 21st page of the Report, they would find, that this subject had not escaped the notice of the Commissioners; and after mature deliberation and balancing of the advantages on both sides of the question, they had determined to recommend the residence of the local Judges as the least evil. His noble and learned friend, in speaking of cheap law not always being good law, had referred to the Sheriffs' Courts in Scotland, and had observed that certain observations which he (the Lord Chancellor) applied to those Courts in another place were inconsistent with his present argument. He had a perfect recollection of the nature of those observations; and his recollection would, perhaps, be considered as fair and as candid as that of the noble and learned Lord, who did not happen to be present when they were uttered. He would venture to say, that there never was a greater perversion of fact committed by any combatant in the zeal of debate than that of which the noble and learned Lord had been graciously pleased to be guilty on this subject. What he (the Lord Chancellor) had stated on the occasion alluded to by the noble and learned Lord was, that the local jurisdiction in Scotland was capable of great improvement—that the administration of the law was cheap, but that it might be made greatly cheaper—that those courts possessed many advantages, but that they also had many disadvantages and defects; and he recommended—what he was surprised his noble and learned friend, if he wanted a subject for attack, did not recollect—the issuing of a Commission of Inquiry. How was it that his noble and learned friend did not call on the Government to issue a Commission in the present case? He was sure that his noble and learned friend took a note of those words, and that he was ready to make the attack, but his noble and learned friend knew, that he could not at the same moment attack him (the Lord Chancellor) for approving and condemning the Sheriffs' Courts of Scotland, and he felt, therefore, obliged to make his election of which of the two weapons he would employ. Admitting that abuses existed in the Sheriffs' Courts of Scotland, yet it could not be denied, that they were useful institutions; and with all their defects, he could not, as an Englishman, help envying the people of Scotland the inestimable benefits they derived from the Sheriffs' jurisdiction. His noble and learned friend had assumed another fact, that the Sheriffs' jurisdiction did not exist in Scotland. When it was destroyed he did not know, but he had stated to their Lordships that during three years, ending in 1823, the number of cases tried in their Courts amounted to 22,000. But it was said, that appeals were made from these decisions to the Court of Session and the House of Lords, and in some cases he admitted that such was the fact. But out of the enormous mass of 22,000 causes decided in the Sheriffs' Courts, only 117 had been carried to a higher tribunal. His noble and learned friend then pronounced a deserved panegyric on the character, honour, and talents of the bar; and concluded by cautioning their Lordships not to agree to any amendment of the law which should have the effect of lowering their character and lessening their independence. But if he had satisfied the House that nothing but the most incorrect and exaggerated statements of the probable effects of this measure could lead to the supposition that it would reduce the business of the superior Courts to one-third of its present amount—if he had proved to their Lordships that the inevitable tendency of the Bill was, to keep important business before the high tribunals, and take away trifling motions, with which those tribunals ought never to be burthened—if he had satisfied their Lordships that the Local Courts, instead of being under no control from the Courts in Westminster, would be constantly and perpetually superintended by them, then he must be permitted to say, with all the feeling of deep respect and attachment which, from long habit and daily and hourly intercourse, he had imbibed for that renowned body the Bar of England, that this was a measure which might be patronized and carried into execution, without the slightest fear that it would lower or degrade that virtuous and illustrious body. His noble and learned friend had been pleased to be merry on the subject of reconcilement, and had called it a fancy—a crotchet. [Lord *Lyndhurst:* I called it a fanciful project.] He thought it of very little consequence whether the noble and learned Lord used the expression fanciful project, or crotchet. The former, in his opinion, was a very good definition of the latter. The noble and learned Lord had called the question of reconcilement a fanciful project, because nothing of the kind existed in England. He admitted it, but was it the part of intelligent and rational men, looking into the institutions of other countries, at once to reject whatever had been tried there, though it might have succeeded, because it was foreign and not English? In the adoption of the plan of reconcilement there could be no harm or danger, because, supposing that any parties would not be reconciled, they stood in no worse situation than before. In the course of eighteen years, no fewer than 724,000 cases had been carried before Courts of Reconciliation on the Continent, and of these cases 448,000 were settled without further litigation. To this he would add, that in 1823, 31,000 cases were brought into the Courts of Reconciliation, and of those 21,000 were settled. But his noble and learned friend said, that these cases never would have come to trial if the process of reconcilement had not existed; but his noble and learned friend must surely forget an account which he (the Lord Chancellor) had read, and which entirely destroyed the whole of his argument. The very year, in which Courts of Reconcilement were established—namely, the year 1796, the number of actions tried in Courts of Law was immediately reduced to one-third. He was sorry to detain their Lordships so long, but he felt placed in a very peculiar situation. He felt bound, not only to defend the present measure, but also to vindicate the learned Law Commissioners, who had been attacked in a very unsparing manner by the tendency, if not by the intention, of the noble and learned Lord's argument. They were men, let him be permitted to say in passing, who were not overmuch given to change; they were very far from being of a rash or innovating spirit, and their principles of Reform, with the exception of one of them, were wholly confined to the law. Perhaps that might recommend them to some of their Lordships; but, at all events, it ought to recommend them to his noble and learned friend, who seemed afraid of dangerous and rash innovations. If the hon. and learned Commissioners had a tendency to a little Law Reform, he would venture to say, that they were as cautious, scrupulous, not to say timid, Reformers of the law, as ever had the name of Law Reformers, save and except one or two of their Lordships, who were always describing themselves as disposed to the amendment of the law, though no plan ever yet proposed to effect that object was found to suit them. The learned Commissioners had given the utmost attention to all the evidence which was tendered to them; and they explained the reasons for recommending the plan contained in their Report, and the principles of the present measure were in perfect conformity with that plan. But this at least showed one circumstance fully—that his noble and learned friend (Lord Lyndhurst) must have been deceived by some of the information which had reached him, and which had led him at the outset of his speech to declare that all the lawyers in Westminster-hall, and all those who had been consulted upon this subject, were opposed to the present measure. This was undoubtedly very strong, and it was nevertheless very strange, that amongst these men of Westminster-hall there should be found persons of the first eminence, and persons, too, who, according to the language of the day, were firmly opposed to anything that might be called an ultra-reform experiment, and that still it was not amongst those who had investigated the subject, and examined its details, that the opponents of the measure were to be found, but, on the contrary, the hostile opinions had been given by those who neither had inquired nor examined, nor been members of the Commission. And then who were those that were for this measure, and of a different opinion from those Gentlemen who had not examined it? Why, they were the very men to whose judgment he had been challenged to submit it upon its first introduction, and to whom his noble and learned friend had agreed to refer the whole question. He (the Lord Chancellor) had said upon that occasion "agreed, there cannot be a more respectable body," and the reference had been made to them accordingly. It however, now appeared, that his noble and learned friend would not agree to be bound by the award, as in common cases, but wished to take up a different ground. He might then say to his noble and learned friend: "Well, this may be according to your information; but, at all events, it has met with support in Westminster-hall, from one branch of the illustrious profession you desire so much to uphold, and from the very men by whose decision you expressed your willingness to abide." All he (the Lord Chancellor) need say for himself and for the Commissioners was, that he thought by their opinion his noble and learned friend ought to be bound, saving always to his noble friend such exceptions as he might have to particular clauses. It would be in vain for him (the Lord Chancellor) to deny that Westminster-hall should flourish, and that the circuits should have full business; they ought, and they would flourish. But this was, at all events, required, and it was but common justice to ask for this, that the shame and the scandal, and the opprobrium should be removed of men coming forward, not to give advice, but to state the result of their sufferings under the system; and the result of all that had been brought forward was, that for debts of small amount, the subjects of the Crown found themselves in the courts of justice barred of their rights; that the justice of which so much was boasted was only a mockery, and that it was not possible for any one to have it if he had not money in his pocket; that if a man had a debt of 18*l.* due to him, he must pay twice as much to recover it; and that if he failed, however just his claim, he not only lost that, but had enormous costs in addition to submit to. When it was known that in the County Courts, as now constituted, a case had occurred, that for a pound of butter, value 8*d.*, 30*l.* costs were incurred—when in another case, in the county of Sussex, a man was summoned thirty miles from his home to the County Court, to answer for a debt of 5*s.* which he had paid, and which he paid again sooner than go. But this was nothing, for there was no doubt that many would pay and had paid 5*l.*, rather than submit to expence and inconvenience. Many might think this a small sum, and no doubt so would his noble and learned friend, but a small amount of pounds was great to a poor man; and, besides all this, there was another and a much more serious feeling: there was the feeling of wrong done, and of wrong suffered, and a feeling rendered a thousand times more exasperating by these people being told: "Come here and you have your remedy—you have here judges who are dignified by long practice—you have an illustrious bar to advocate your rights: these are the Courts you should come to, and here are the men who can assist you;" while their experience tells them the result will be: "You are ruined instead of redressed;" and, what was infinitely worse than ruin, men felt themselves most grossly insulted by the infliction of a double wrong, where they ought justly and particularly to expect right. This was the wrong he wished to redress, and this was the object for which his judicial reforms were introduced. He was not the first labourer in this course, and he hoped in God he should not be the last. He was not the first who had endeavoured to draw the attention of the Legislature to the poor man's wrongs. His noble friend, now Chancellor of the Exchequer, had to this great object long devoted his time and his talents. That noble Lord had some years ago brought in a measure in some respects different from the present, but which also was in several points similar. That measure the noble Lord gave up, from the hopelessness he then felt of one not connected with the Government being able to succeed. He gave it up to a right hon. Baronet (Sir Robert Peel), who was in a situation to feel himself so responsible that he considered he would not do justice to the country if he left the law no better than he found it. That right hon. Baronet did not find himself in a position to carry the measure, but he adopted it, improving it also by his own study; and when it was subsequently propounded to the Legislature in 1830 in the other House of Parliament, leaving out many parts of the former measure, according to the recommendation of the Commissioners, it met, if not the entire, at least the general and the cordial assent of that right hon. Gentleman. He recollected the right hon. Baronet saying, that he would resign the conduct of the Bill to him. If he had detained their Lordships, as he felt he had, too long, it was solely because, in defending himself, he not only defended the Law Commissioners, but every other noble and right hon. person who had been willing to agree to the details and principles of the present measure, and against whose practice and principles, if he (the Lord Chancellor) were not in office at the moment, every invective and every sneer as to monsters and fancies, and all the point—wherever there was point—in his noble and learned friend's (Lord Lyndhurst) declamation, and every weight in his noble and learned friend's assertions, were, or might be, levelled with equal force at their principles and measures of legal reform, as they were at the Bill then under the consideration of the House. In conclusion, he would say one word as to the extent to which it was proposed to try these Courts; whether in the measure proposed by the right hon. Baronet, or in that brought forward by his noble friend the Chancellor of the Exchequer, it had always been designed to confine the experiment to one or two counties; but if his noble and learned friend thought it any improvement (though in his opinion it would be none), that the Act should name the very counties to which it should be extended, he (the Lord Chancellor) had no objection to restore this declaration. His reason for being of a contrary opinion was, that it was not possible to ascertain, without examination, what divisions of counties it might be best to select, as well as that on inquiry it might turn out there were parts of neighbouring counties which might conveniently be transferred to these divisions. He hoped that his noble and learned friend had never thought that this Bill was or could be introduced with any idea of its becoming a source of patronage to the Government. [Lord *Lyndhurst*: I never insinuated or thought of such a thing.] He was sure his noble friend had never entertained such an idea, and the notion of it as possible had occurred from his noble and learned friend's having spoken of the exercise of the power of the Ministers of the Crown. Noble Lords would, however, see that when he was out of office, and when the idea of filling the situation he then held was the last that could occur to him, he was anxious for this Bill, and last April, when he brought it forward, he had proposed to begin with one or two counties, and if the experiment were successful, then to extend it to England generally. Therefore there was nothing new either in his advocacy of the principle or in the details of the measure. He ought once more to apologize to their Lordships for occupying so much of their time, but he felt it to be absolutely necessary that he should not allow the debate to close without assigning his reasons for introducing the measure to their Lordships' notice.

The question was put, but no division took place, and the Bill was committed *pro formâ.*

HOUSE OF COMMONS,

Monday, June 17, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. O'FERRALL, the Names of Commissioners appointed by his Excellency, the Lord Lieutenant of Ireland, pursuant to the provisions of 2nd and 3rd William 4th, cap. 119: also the Number of Tithe Compositions entered into within three Months, from the 16th August, 1832, under the same Act: of the Number of Appeals against Compositions by Agreement, and of such Agreements made as would entitle the Proprietor making the Agreement to a reduction of fifteen per Cent, according to the Provisions of the same Act.—On the Motion of Sir ROBERT INGLIS, a Copy of any Despatch addressed by the Court of Directors of the East-India Company to their Supercargoes at Canton, in reference to the Voyage recently undertaken by the Ship *Amherst* to the North East Coast of China, with a Copy of any Report or Journal of such Voyage.

Bills. Read a second time:—Woollen Trade Acts Repeal; Exchequer Bills.—Committed:—Sheriffs' Expenses.

Petitions presented. By Sir EARDLEY WILMOT, from the Birmingham School of Medicine, against any Alteration in the Apothecaries Act.—By Mr. JOHN HEATHCOTE, from the Licensed Publicans of Tiverton, for Relief with respect to their Licenses.—By Mr. WILKS, from the Owners of a Burial Ground, called Necropolis, &c., near Liverpool, that their Burial Register may be made Legal Evidence in Courts of Law: from a Dissenting Congregation at Reading and Lichfield, for Relief with respect to Registration and Rates: from a Number of Individuals interested in Seamen and Ships, for a Maritime Code of Laws applicable to the Merchant Service: and by Mr. STRICKLAND, from the Sunday School at Melbourn (Derby),—against Slavery.—By Mr. M. CHAPMAN, from Youghall and Lisburn, for Mitigating the Severity of the Criminal Code.—By Mr. STRICKLAND, from several Parishes of York, for Enforcing the Legal Residence of an Officiating Minister in each.—By Mr. GUEST, from Caerphilly, against the Glamorgan Assizes Bill; and from Merthyr Tydvil, in favour of the Lord's Day Observance Bill.—By Mr. EWART, from Liverpool, against the Highways and Rating of Tenements Bill.—By Mr. HUTT, from Kingston-upon-Hull, against the General Register Bill; and from the same Place, for an Inquiry into the Affairs of the Trinity House.—By Mr. CLAY, from the several Trades connected with Sugar Refining in the City of London, for enabling the Refiners of this Country to compete with others in Foreign Markets. —By Mr. POTTER, from the Unitarians of Manchester, for a Charter to the London University.—By Mr. HUTT, from the Medical Practitioners of Kingston-upon-Hull, for the Amendment of the Apothecaries Act.

TRIENNIAL PARLIAMENTS.] Mr. *Tennyson* presented a Petition from an individual, praying for Vote by Ballot, Triennial Parliaments, and the exclusion of placemen from the House. He (Mr. Tennyson) was astonished that a notice on this subject, which had been given long ago by an hon. Member opposite (Mr. Wilks), had been postponed from time to time for so long a period. It was a most important subject, and became more so at this moment, when a dissolution of Parliament was talked of as extremely probable. He, however, was determined to take the opinion of the House upon it on the 2nd of July, when he intended to move a call of the House, that no Member might afterwards say he had not had an opportunity of giving his vote on the occasion.

Major *Beauclerk* said, he came into that House with the greatest hopes on the subject of Triennial Parliaments; he knew that the great body of the people were deeply impressed with its necessity; they had a very strong feeling upon the subject, which he had no doubt had been very much increased by the conduct pursued by that House. The people were most anxious to have the measure; and he begged to return his most sincere thanks to the hon. member for Lambeth for the notice he had given.

Mr. *Wilks* said, he did not agree with the hon. member for Surrey, that the public had a right to complain of the conduct of that House. It had paid as much attention to public business, and had gone on with as much expedition with measures of the very utmost importance, as any enlightened constituency could possibly desire. He did not think that the question of Triennial Parliaments was one of such an urgent nature as would have justified him in forcing it on the attention of the House at that late period of the Session. He thought, in pursuing the course he had done, he had best consulted the interests of the public; for the question could not now receive that serious and attentive discussion which it would do at the beginning of the next Session, and which it required from its vast importance. It was under those circumstances that he had deferred the Motion, following the example of many hon. Members; but when the question was brought on by the hon. Member, he should not only have his (Mr. Wilks's) vote, but all the assistance it was in his power to give him.

Major *Beauclerk* meant, that the public had expected most rigid measures of economy from that House, and it was in that they were disappointed.

Mr. *Cobbett*: The hon. member for Boston had brought forward the question of Triennial Parliaments last Session. The hon. Alderman (Wood) had been directed to give notice of a Motion of that nature on the first day of the Session; but he apologised for not doing so because the hon. member for Boston claimed priority, as it had been in his hands before. So that the question was to be kicked about in that way, and never be brought on at all. He (Mr. Cobbett) was very much obliged to the hon member for Lambeth, and he hoped he would persevere in his call of the House, and show who those were that wished to sit there for seven years, and also those who were not afraid to go back to their constituents at the end of three years.

Mr. *Finn* said, there was no doubt but that Triennial Parliaments would be most desirable; but he really believed, that it was not of much importance at the present moment, for he believed that that Parliament would not sit two years. The hon. member for East Surrey seemed to forget the atrocious conduct of that House with regard to Ireland. That part of its conduct had not much conciliated the favour of the public; then the flippant manner in which they had voted away twenty millions the other night, adding to the burthens of the already overburthened people, would also be borne in mind. It was really most astonishing to see the manner in which that vote had been supported, when it was remembered the pledges of economy that many of the Members had given on the hustings. He had seen but little to approve of in the conduct of his Majesty's Ministers—their new mode of settling the tithe question in Ireland, by taking the burden from the man who owed it, and placing it on the shoulders of another, might give peace for a time, but nothing would do but laying the axe to the root. The Church in Ireland must be put an end to before any but a temporary peace would be established in that country. Then as to the question of pledges, they had been much repudiated in that House. It was said, that no man who was pledged was an independent man, and that, too, by men who themselves made pledges while on the hustings. He denied such doctrine. Were Members sent to that House to represent their own opinions? He would say no, but to represent those of their constituents. The people had a right to exact pledges from all candidates, and if he had a vote, he would not give it to any one who did not fully state his opinions upon all great questions, and that was pledging.

Colonel *Evans* thought, that so far from its being inexpedient to bring on the question of Triennial Parliaments at the present time, it was most necessary that it should be settled, if, as many said, they were on the eve of dissolution. It was most extraordinary to see how many Members had acted on late occasions, considering the manner in which they had pledged themselves on the hustings.

Mr. *Fergus O'Connor* said, the only difference seemed to be in what gentlemen denominated the public. The hon. member for Boston seemed to apply that term only to the supporters of Government, and not to the great body of the people out of doors. He was most thankful to the hon. member for Lambeth for forcing on the question. He was glad to see the Attorney General present, as he had for some time wished to ask him some questions respecting the prosecutions of the Press, especially that of *The True Sun.* He had looked at the file of the Paper, and he found that, when the great question of Reform was under consideration, there were then much more violent articles inserted than the one now under prosecution. He wished to know why the Attorney General had not taken care of the Constitution at that time, or why it was, that he had only now awoke to the necessity of such proceedings? Were would be the security of the Press if the newspapers were to be made afraid of inserting, as original matter, opinions, and not more strong ones than what were expressed in that House?

An *Hon. Member* said, he would repeat in the House what he had stated on the hustings—that if pledges were required of him, he would rather a hundred to one not be elected. He was at all times willing to state his opinions to his constituents, but he would never pledge himself. Indeed he did not believe, that it was the general sense of the House that Members had pledged themselves so much as was sometimes said.

Mr. *O'Connell* said, the affair of pledges lay within a very narrow compass. The question really was, whether the representatives were the servants or masters of their constituents. A Member merely pledged himself to his own opinions, which he was at liberty to change when he pleased; but when he did do so he should do so manfully, and give his constituents an opportunity of approving or disapproving of them.

Sir *Edward Codrington* expressed his perfect readiness to pledge himself to certain principles, but he had never given a pledge to any specific measure. He would have no objection to bind himself to certain principles, but not to the extent to which he might find it necessary to carry them.

Mr. *Baldwin* said, he was one of those Members who gave pledges to their constituents at the hustings. He should, therefore, trespass for a few moments on the indulgence of the House in vindication of his conduct. He was not disposed to regret that conduct—nay, he was proud of it, because he had religiously adhered to those pledges, and was resolved they should never be violated. The hon. and gallant Admiral had said, that he had pledged himself to principles, but not to measures or to men; and he had laid down his own conduct as a rule for the direction of other candidates. The hon. and gallant Admiral conceived he had discovered the precise limits to which pledges should be confined, and the utmost latitude to which they should be extended. A slight tincture of the schools adhered still to his mind, and he conceived that generalities too often served to envelope and conceal error. The gallant Admiral, under cover of his pledges as to principles, might vote for the worst measures and the worst Ministers, and against the best measures and the best Ministers. He might, for instance, pledge himself to vote for short Parliaments and freedom of election, and afterwards say, that he considered Septennial Parliaments short enough—perhaps too short—and elections most free when electors were at liberty to dispose of their votes according to their interests or their inclinations, however influenced, however warped. The Bill against bribery at elections might appear not only superfluous, but quite unconstitutional, and tyrannical, under that aspect of the question. In truth, he would not more completely betray bad logic by drawing general conclusions from particular premises, than he betrayed fallacious political doctrines by leaving himself free scope and latitude as to particular questions, and men, under the shield of his pledges, as to general constitutional principles. The hon. and gallant Admiral would, he trusted, do him (Mr. Baldwin) the justice to believe he did not suppose him capable of intending to make any such use of his theory on this subject. He was convinced his high-minded and candid spirit would, as his whole public conduct and character had proved, spurn anything evasive, or disingenuous, or ignoble; but the doctrine which he advocated would lead to such consequences, and serve to shelter men whose dispositions were entirely different. He should now advert to the sound and philosophical view of the subject. Burke had said, it would be ridiculous that one body of men should hear all the arguments on a question, and that other men who had not heard them should determine how they ought to vote after the discussion. He did not deny there was much force in that, as in all the other positions of that great orator; but Burke was as great a master of sophistry as of eloquence. The splendour of his imagery was not more calculated to dazzle than his ingenuity was to mislead. The truth was, that on all those great subjects on which the public mind had been long engaged, those subjects which had been discussed, and sifted, and balanced in the scales of reason by a thousand investigations of truth—subjects on which all the information was accessible to all ardent inquirers, and on which the Press—the popular orators, and the studious and retired, the dispassionate and deliberate philosopher,—had poured forth their opinions; the people at large were likely to form more correct, more unprejudiced judgments than the members of that House—judgments much less subject to sinister influence, or sudden impulse. On these subjects, therefore, a candidate at the hustings might, if his opinions coincided with those of the electors, honestly pledge himself to comply with their instructions. But on other subjects—on questions which might be affected by unforeseen events, or on which the information necessary to an accurate judgment was not open to the great body of the people—the candidate ought to reserve his right of deciding independently, unrestricted by previous promises, as uninfluenced by private, or personal considerations. On those latter questions—such, for instance, as the question of peace or war—he had reserved his right of free unshackled judgment, and should exercise that right; but on the former questions he gave pledges which he should honestly redeem. The argument, which rested upon the point of whether the Representative be the servant or the master of his constituents, appeared to him not conclusive on either side. The Member was the servant of his constituents when he was honestly doing their business. He was in some degree their master when he made the laws by which they were to be governed, and to which they must submit; but he was then only a genuine Representative and virtuous legislator, when he sedulously studied the national interests, and spoke and voted solely with a view of promoting those interests in the most effectual manner. The question of Triennial Parliaments, which gave rise to that discussion, was one of those questions on which he gave a pledge. He did, without hesitation, pledge himself to vote for Triennial Parliaments. He concurred with his constituents in thinking that the Parliament, in the reign of George 1st, which, having been elected by the people for three years, elected itself for seven, was guilty of a most unconstitutional and unwarrantable act—and that, if it passed the Septennial Bill, under the conception of some temporary expediency, it ought to have taken the earliest opportunity of repealing that Bill. While it remained the law of the land, he did not conceive the electors could have a proper control over their representatives; and the Acts of the present Parliament—particularly that Act, which obliterated every vestige of civil or political liberty in Ireland—was a demonstrative, incontrovertible proof of the correctness of his opinion. He, therefore, should vote most cheerfully with the hon. Member on that question.

Mr. *Shaw* did not believe the House was reduced to the dilemma assumed by the hon. and learned Gentleman, the member for Dublin, as being either the masters or servants of the people. They were bound to state their opinions, and to act according to their own judgment; they were bound to state their opinions to their constituents, and leave their election in their hands, but he would not for a hundred constituencies vote against his opinion.

Mr. *Hawes* stated, that with regard to the Repeal of the Septennial Act, when the right hon. Gentleman (Mr. Tennyson) brought it forward, he would give it his support.

Petition to lie on the Table.

SUGAR REFINING.] Mr. *Ewart* presented a petition from the merchants and shipowners of Liverpool, praying for the removal of all restrictions upon the importation of sugar for the purposes of refining. The petitioners stated, that they carried on an extensive commerce with Brazil, St. Domingo, Cuba, India, Batavia, and the Indian Archipelago, which countries were mainly supplied with British manufactures, but that owing to the high and prohibitory duties levied on the chief productions of those countries (sugar and coffee) imported into this country, they suffered great inconvenience and loss in carrying on their trade with those countries. The difficulty of obtaining return freights for their ships and remittances for their merchandise was very great; and the consequence of this state of the law was, to encourage foreign commerce, to the great injury and depression of that of this kingdom. The petitioners said they were prompted humbly to represent the difficulties under which their commerce and shipping laboured at this late period of the Session, that their interest might be fully considered in the settlement of the important colonial measures now before Parliament; and that the exclusive monopoly of the home market hitherto enjoyed by the colonies, and the large bounty granted on the re-exportation of their sugars and molasses in a manufactured state, might be especially considered. They also stated, that the colonies did not contribute anything to the revenue of this kingdom, but that their Government and protection was a heavy charge upon it, whilst there was annually paid out of the Treasury on the exportation of refined sugar and bastards nearly 500,000*l.*; that the high price of sugar and coffee, owing to this bounty and monopoly, operated as a direct tax upon the consumers of this kingdom of nearly 2,000,000*l.*; and that it tended so materially to restrain the consumption of these important articles as further to injure the revenue to the probable extent of 1,500,000*l.* That the exports of British manufactures and produce to the aforenamed countries exceeded by fivefold those to our West-India colonies, with a field for unlimited extension; whilst our imports admitted to consumption from those countries did not amount to one-fourth the value of our exports. The petitioners estimated the loss to the revenue and commerce of the country by the present restrictive system, by bounties actually paid out of the Treasury, by indirect taxation, by the restraint upon the consumption, and upon the extension of commerce and manufactures, at fully 5,000,000*l.* annually. They expressed a hope, that whilst the House was legislating for the benefit of the slaves in our distant colonies, it would also consider the present condition and future welfare of the labouring population at home, especially the mariners, and those of the manufacturing districts who were mainly dependent for their daily bread on the maintenance and extension of our foreign commerce; and prayed that the House would take their petition into consideration, and, whatever compensation might be granted to the colonists for the manumission of their slaves, or for any other of their rights and privileges which they now possessed, might be a direct, full, and final one.

Colonel *Williams*, in supporting the prayer of the petition, observed that the petitioners had stood forward to complain of a great national grievance; they had too long truckled to the colonies, and he thought it high time that such a system should be put an end to, and a new one begun. He had voted, it was true, for the grant of twenty millions, but not for the purpose of compensation, thinking the parties entitled to none, but in order, if possible, to settle the question amicably.

Mr. *Strickland* was of opinion, that all monopolies ought to be removed, as destructive to the progress of commerce. Though it might be good policy to grant the twenty millions, he thought it would be much more than would be wanted.

Mr. *Buckingham* was convinced that one of the causes of the depression of the shipping and commercial interests of this country arose from the excessive imposts on every species of raw produce brought from every part of the world.

Mr. *Clay* wished to ask the noble Lord the Chancellor of the Exchequer a question relative to the declaration he had made on a former occasion with regard to the admission of foreign sugars for the purpose of being refined and exported. He was anxious to know whether Government was prepared to carry that beneficial operation, of which notice had been given, into immediate execution, or whether the sugar-refining trade of this country was to be ruined by further delay? From important facts which had come to his knowledge, he could state that orders had been received in town for the machinery constructed upon new principles, for ten refining manufactories upon the continent; and if the refining trade were transferred to the continent, the sugar refiners here would have an additional difficulty to contend with, and he much feared it would be impossible to retrieve the evils which might result.

Lord *Althorp*, in answering the question, could only state what in effect he had said on a former occasion. It certainly was his opinion that the restriction for preventing foreign sugar being refined for exportation was a great evil, while it offered no advantage to the West-Indian interest. At the same time, while the question of the Abolition of Slavery was under the consideration of the House, it would not be desirable to open the matter. He was quite aware of the disadvantages of delay, and he considered that the refining trade—he would say not only in its present depressed, but oppressed state—could not much longer remain, at all events not beyond the conclusion of the present Session without relief. He thought that in the early part of next Session, the whole subject ought to be brought before the House.

Petition laid upon the Table.

APOTHECARIES.] Mr. Hutt presented a Petition from medical practitioners of Hull, for the repeal of the Apothecaries' Act.

Mr. *Hill* said, he hoped that, as the lawyers had given up the pedantry of writing Latin, the physicians would condescend to give their prescriptions in plain English, which would, perhaps, be the means of preventing some accidents. He rose, however, for the purpose of respectfully suggesting to the hon. Secretary who brought in the Bill the propriety of taking care, that the interests of the provincial schools of medicine and surgery in England were duly attended to in his Bill. Many of them were of high repute, and well they deserved it. He hoped their certificates would be allowed to have their due weight in the new Act. It was of great importance that young men should obtain a good education at home, and not be sent too young to the metropolis; a source of great expense to their parents, and of danger to themselves.

Mr. *Ruthven* hoped some steps would be taken, in bringing forward the new Apothecaries' Act, to secure the public against danger from the incompetency of medical apprentices to read prescriptions.

Mr. *Briscoe* trusted that the Apothecaries' Bill would be referred to a Committee; that certainly no step would be taken to repeal the present law respecting apothecaries, except on the fullest information as to its utility and necessity. It was of the highest importance that the poor and others should be protected against ignorant pretenders to skill in medicine.

Mr. *Baldwin* complained that the proposed Bill for amending the Apothecaries' Act did not contemplate giving to the Members of the English and Irish colleges the same privileges it was intended to confer on the graduates of two or three of the Scotch Universities.

Mr. *Hughes* added his testimony to that of his hon. friend as to the necessity of referring the subject to a Select Committee, to which he hoped the hon. Secretary would have no objection.

Mr. *Hawes* was of opinion, from the communication he had had with many respectable practitioners, that the subject ought to be referred to a Committee. It was necessary that the poor should be guarded from the practices of ignorant practitioners, as it was the poor who suffered by that ignorance, and not the rich, who could afford to get the best and most talented advice.

Mr. *Lamb* admitted the importance of the question, and the necessity of not proceeding without the amplest information, but declared, that he considered the privileges at present enjoyed by the Company of Apothecaries were of an injurious and too extensive a character. Although he introduced the Bill, he was not pledged to all the details, and indeed he had deferred it, partly that time might be given to render it as effectual as possible. He thought that, under the present system there was a very injurious monopoly, and that some regulations should be made as to the mode and period of apprenticeship. Under ignorant practitioners the apprentices only learned bad Latin. He should have no objection to the appointment of a Committee to consider the details of the Bill; but he could not consent to refer so large a subject as the whole study of medicine and quackery to the same tribunal. It was his intention to proceed with the Bill this Session.

Petition to lie on the Table.

POOR LAW COMMISSIONERS.] Mr. *Hurst* presented a Petition from Horsham, complaining of the misrepresentations of the Poor Laws Commissioners in their description of the effect of the rates there in consequence of the riotous proceedings of 1830, &c. They prayed that such description be expunged as of injurious tendency to the character of the neighbourhood. He had deemed it to be his duty to present this petition, and under all the circumstances, he trusted, that the Commissioners, who could only desire to do what was fair and right, would condescend to review this part of their report. The evidence was collected at a period of considerable excitement, in November last, when the general election was influencing the country. The evidence on which the Commissioners' representations were made was disputed; and such being the fact, and feeling assured that the Commissioners could only desire to do what was right, he should not at present submit any motion on the subject.

Mr. *Fergus O'Connor* trusted the Report would not now be looked upon as a good authority, and cited against the introduction of Poor-laws into Ireland.

Major *Beauclerk* supported the petition. The Commissioners had refused to make any reparation, though asked in the most gentlemanly way to do so.

Mr. *Lamb* could not say anything as to the truth or falsehood of the allegations in the petition, but vindicated generally the conduct of the Commissioners. In so many inquiries mistakes were to be expected; certainly they could hardly be avoided.

Petition to lie on the Table.

FACTORIES BILL.] Lord Ashley moved the Order of the Day for the Second Reading of the Factories Bill.

Lord *Althorp* would not oppose the second reading of the Bill, as he considered it necessary to put some restrictions on the labour of children. The Report of the Commissioners, however, was not yet ready to be laid upon the Table of the House. It would be ready next week, and might be considered when the House was in Committee on the Bill. It was the opinion of the Commissioners, with respect to the Noble Lord's Bill, that some of its clauses went further than was necessary, and some of them did not go far enough.

Lord *Ashley* understood, that the principle of the Bill was conceded by the noble Lord; but he would like to know how far the concession extended.

Lord *Althorp:* As far as it related to children; for what he meant was, to prohibit children under fourteen years of age, by regulations, as to the time of labour. The noble Lord must be aware that he was speaking the opinion of the Commissioners when he talked of extending the principle to children under fourteen years of age; and the Commissioners also advised that the time of labour should be restricted to eight hours instead of ten. He repeated, that he did not object to the second reading of the Bill. When they had gone into Committee on the Bill, there were provisions which he might object to.

Lord *Ashley* hoped that the noble Lord would not limit the principle of the Bill to children under fourteen years of age, but in Committee would go further. For his own part, he felt the strongest desire to conciliate all parties opposed to the Bill, as far as that could be done without giving up its principles, and in Committee he should be ready to withdraw those clauses which might be found most obnoxious. He trusted, however, to be able to improve the Bill; and his great object was, to gain the support of each party. He trusted the noble Lord would not only consent to have the evidence of the Commissioners laid on the Table, but to have it printed and circulated as speedily as possible. He begged the noble Lord to permit him to say, that he objected to the way in which evidence had been obtained from witnesses in this matter. He had received several letters—among others, one from Scotland that day—all expresive of dissatisfaction as to the method the Commissioners pursued in obtaining evidence. As little time as possible should be lost in producing the evidence, if the noble Lord wished the Bill to pass that Session.

Bill read a second time.

Church Temporalities (Ireland) Bill.] Lord Althorp moved the reading of the Order of the Day on this Bill.

Colonel Wood presented a Petition against the Bill, from the Archdeacon and Clergy of Brecknock.

The Order of the Day was then read, and the House, on the motion of Lord Althorp, resolved itself into a Committee on the Church Temporalities (Ireland) Bill.

On Clause 24, which provides that if the incumbent should die before sale-day, or be lawfully evicted, translated, or promoted, the tax should be apportioned, being read,

Mr. *Goring* rose to move the Amendment of which he had given notice against translations, and in doing so, said, he would not have ventured to address the Committee, in the course of the important subject they were discussing, had he not felt constrained by Christian duty to take the first opportunity of suggesting to the assembled Representatives of the United Kingdom, the propriety and necessity of restoring, as far as possible, to its primitive purity, the fount and sources of discipline to the Church: an abuse which had existed for centuries. When once acknowledged, in his opinion, the length of time it had existed, only increased the imperative duty of immediately putting a stop to it. The system of translation of the Bishops, which commenced in the fourth century, at the instance of the most venal courtier, the most corrupt and time-serving churchman that ever existed, was, at its commencement, declared by the canons of several councils contrary to Scripture, and to the interests of the Church. Notwithstanding which, of such consequence was it to the falling Roman empire to make the Church an engine and tool of state (for which no more effectual means could ever be devised than this system of translation) that although thus denounced by the zealous and pious fathers of the time, it gradually became a substantiated prerogative and universal. No one was more anxious than he was to support every just prerogative of the Crown, but the commands of Christian duty and the interests of the Church must surmount every other sentiment. He trusted his Majesty's advisers would consider, that the exercise of this power was entirely unnecessary to preserve the alliance between Church and State, or for any other constitutional purpose, and that the concession of it would be of great advantage both to the Church and the Monarchy. He could not but deprecate a system which rendered the hierarchy the slaves of courtly favour, which made those who, to use the assertions contained in the apology of Tertullian, "are dead to all ideas of worldly honour and dignity, to whom nothing was more foreign than political concerns," the subservient tools of faction, the members of intrigue and cabal. He trusted that the Committee would feel, that it was no longer right that the Bishops should "stand in the gap and trade of more preferments." Must not political and interested motives intervene and dull the sense of religion in those who, professing zeal for the doctrines of grace, ought to exhibit examples of purity in their lives? Two different characters were offered for the emulation of every Bishop—the one of proud ambition and ostentatious dignity—the other of humble meekness and of zealous piety. He wished to see the Bishops deprived of temptations to avarice and ambition.

> "Nam quæ reverentia legûm,
> Quis metus aut pudor, est unquam properantis avari."

To restore and maintain the respectability of the establishment in the eyes of the nation, to advance the interests of that Church of which he was a member, he felt it his duty to bring before the Committee a system in his opinion so hostile to its interests, and contrary to any instructions to be found either in Scripture or the fathers. He did not think any one abuse so injurious to the Church as this, which rendered impure the source from which its discipline and government should be derived. It was not sufficient that the lord of a household appointed his workmen what they should do, if the surveyors and upper workmen see not that they do it. Who could maintain, that the Bishops of our smaller sees, during the short time they were made the stepping-stone to higher honour, had it in their power to make themselves so far acquainted with the clergy of their diocess, as was consistent with the episcopal duty of instructing as well as governing those who were subordinate to them? It was,

'*Πολλου μεν αξιωνατος δυσκολον δε επισκοπειν.*'

But this was not the only injury; the greatest injury produced by the system, in his opinion, was the sense it gave the people, that the Bishops prized their own advancement and glory more than the salvation of their flocks. However pure his motives might be, a translated Bishop must ever be obnoxious to this suspicion. If the Bench of Bishops wished to restore themselves in the eyes of the nation, they must show, that they were not actuated by worldly motives—that they did not make their office a secular calling—that their principles were sincere, and that they did all to the glory of our great master. If servility were perceived in them, if a wretched desire to obtain by courtly flattery, or unseemly means, accumulation of wealth, if they sacrificed political integrity for hopes of advancement, who could regard them as the governors and fathers of the Church? "Quem murum integritatis at vallum providebimus, si auri sacra fames in penetralia veneranda proserpat, quid denique cautum esse poterit, aut securum, si sanctitas incorrupta corrumpatur cesset altaribus imminere profanus ardor avaritiæ et à sacris adytis repellatur piaculare flagitium? Itaque castus et humilis nostris temporibus eligatur episcopus, ut quocunque locorum pervenerit omnia vitæ propriæ integritate purificet, nec pretio sed precibus ordinetur antistes." He felt a restoration, as far as possible, to primitive discipline was, to the Church, absolutely necessary, to that discipline originally designed to beget and nourish religion and virtue, in order to stifle modern follies and fancies, to reclaim an erring and degenerate age. He trusted, that from the support he should that night meet with, henceforth a Bishop when appointed might be tempted to no other feeling than this—"Farewell all hopes of court, my hopes in heaven do dwell." The hon. Member concluded by moving—"That the words 'translated and promoted' be omitted. He would afterwards propose the insertion of a clause to prevent the future translation of Archbishops or Bishops in Ireland to any vacant see, providing that the said clause shall not impede the uniting of sees according to the provisions of the said Act."

Mr. *Stanley* said, he believed that one of the ordinances of the Church was, that no person should preach a sermon unless in sacerdotal costume, which he thought the hon. Gentleman had transgressed. He was surprised too, that the hon. Gentleman should object so much to translation and yet use languge, that compelled the House to adopt it. Much of the hon. Gentleman's speech required translation. He would seriously put it to the hon. Member, whether this was a fitting occasion to introduce the discussion of such an important subject? He was in some respects disposed to agree with the hon. Member as to the injurious effects of translations. Thinking that the practice of translating a Bishop from one diocess to another, thus dissevering him from the acquaintances which he had formed in the one, and compelling him to make new ones in the other, and in that way diminishing to a great extent his means of general utility, was a practice that as far as possible should be discontinued and abolished. But as long as the dioceses remained as they were, different in extent and value, it would be impossible altogether to abolish translation, as it would be obviously inexpedient and unjust to confine a Bishop of great learning, talents, and acquirements to a small diocess where he might have first distinguished himself, instead of transferring him to a more enlarged sphere of action and utility. This, however, was not the proper opportunity, as he had said before, for discussing such an important subject. Besides, the amendment which the hon. Member proposed would not effect the object which he had in view. At the present moment translations and promotions were legal, and all the change which the present clause in the Bill introduced into the law was, that the proposed tax should be apportioned between the individual who was removed from the incumbency either by death, translation, or promotion, and his successor. There could not, surely, be a more unfavourable opportunity for discussing the subject of translations than when it was proposed to impose a tax upon those who were thus removed. He hoped, therefore, that the hon. Member would withdraw his Amendment. He might hereafter bring forward a substantive Motion for the abolition of translations altogether, though he (Mr. Stanley) did not think that Parliament was prepared at the present moment to agree with the hon. Member.

Mr. *Shaw* meant when they came to the clause for the reduction of the number of Bishops to propose as an Amendment, that the revenues of the different Bishoprics in Ireland should be reduced to the same amount which would render translations unlikely, and do away with the necessity of such a proposition as the present.

Mr. *Charles Buller* said, that as the measure was extremely likely to encounter considerable opposition in another place, they should introduce into it every clause that was calculated to give it a popular character, with a view, if possible, to secure its success. Now, as the system of translations was one with regard to which the public entertained a strong opinion, and as there could be no doubt as to the evils which arose from that practice, he should give his cordial support to the present Amendment.

Mr. Secretary *Stanley* said, that the hon. Member who had just spoken had assigned a most extraordinary reason for supporting this Amendment. He stated, that this measure was likely to encounter great opposition in another place, and upon that ground he recommended that they should introduce as many debatable points as possible into it. The hon. Member said, it was necessary to render it popular, in order to secure the support of the people for it. If in its present shape it did not merit that support, it should at once be rejected by the House. The hon. Member recommended them to take a most dangerous course for the country. Even if the present Amendment were adopted, it would not do away with the practice of translations. The only alteration it would effect in the Bill would be, that the proposed tax would not apply to Bishoprics vacant in consequence of translation, and the question of the legality, propriety, and expediency of translations, would not be affected, directly or indirectly, by the adoption of such an Amendment.

Mr. *Briscoe* said, that the practice of translations was injurious both to the interests of religion and of the Church, but this was not the proper opportunity to discuss such a subject.

Mr. *Jervis* said, that the only object which would be affected by the adoption of the proposition would be the introduction of a technical Amendment into the Bill. If the practice of translations was to be abolished, the abolition should be effected upon a broad principle, equally applicable to the churches in both countries.

Mr. *Goring* said, that if they were to come into a collision with the other House on this measure, as it was reported would be the case, they should make it as good and as popular a measure as possible, in order that the people might see, that their interests were consulted in that House, and were not consulted in the other House of Parliament. In deference, however, to the opinion of the House, he would withdraw his Amendment.

Clauses 25, 26, and 27 were then severally agreed to.

On Clause 28 being put,

Mr. *Goring* moved the addition at the termination of the clause, of an Amendment, to the effect to prevent the future translation of Archbishops or Bishops in Ireland to any vacant see.

Dr. *Lushington* hoped the hon. Member

who had proposed this addition to the clause would not proceed to a division. The question whether or not the system of translation in church preferment, which had been practised for so long a period, should or should not be continued, was one of vast importance, and he conceived that nothing could be more inconvenient than at the present stage of this Bill, and on a proposition suggested by way of rider to one of its clauses, to enter into the discussion of so great and so important a question. It was impossible to dispose of such a question by so simple and undefined a course as had now been submitted to the Committee; indeed, before the Legislature could interfere in this respect, the Churches of England and of Ireland must be put upon the same footing, and at this period of the Session it was impossible that this great and important subject could be disposed of or decided with any adequate prudence or consideration. He would not hesitate to admit, that he thought some provision ought to be made in order to make translations in the Church less frequent, but he must ask the Committee if it was practicable, by a summary proposition of the kind now before it, that this could be well or practicably effected? In many cases he felt it would be advantageous to the Church, that translations should take place; for suppose a man of great learning and piety were Bishop of Llandaff, and a vacancy occurred in a larger see, would it not be right, he would ask, that the sphere of such a man's jurisdiction should be extended to the larger see? The system undoubtedly called for some amelioration, but he hoped the Committee would not be hurried into so important a consideration; on the contrary, he trusted they would agree with him in thinking that such an amelioration could only be properly the result of calm and prudent deliberation. He regretted to hear expressions as to the anticipations of results in another place, and that mention should be made of collisions. He was himself desirous for conciliation rather than collision, and therefore he had every anxiety to render this Bill palatable to others, who might have to decide upon its merits, instead of including amongst its provisions matter that was at variance with its general contents, and which would have the effect of producing that collision which he, in common with every man having an interest in the welfare of his country, must deprecate and ought to endeavour to avoid. He hoped the hon. Gentleman would consent to withdraw the Amendment. He must say, in reference to the collision which had been anticipated, that in his humble judgment it was all but unconstitutional to attempt to foretel what might occur in another place as to the result of this or any other measure.

The *Chairman* said, that before he put the Amendment proposed by the hon. member for Shoreham, he must first inquire from the Committee whether the Amendment proposed by the hon. member for Shoreham could, according to the recital of the Bill, be properly entertained.

Mr. *Young* hoped the Committee would not at present be called upon to express an opinion in this respect, but that the hon. member for Shoreham would withdraw his Amendment in order to propose it at a more fitting opportunity, when it should have his (Mr. Young's) complete support.

Mr. Goring withdrew the Amendment, and the clause was agreed to.

On Clause 32 being proposed,

Mr. *Halcombe* said: I rise to propose that the preamble to this clause be omitted. It recites, that "his Majesty has been pleased to signify, that he has placed at the disposal of Parliament his interest in the temporalities and custody thereof of the several bishoprics, and archbishoprics, mentioned in this act, and the schedule (B) thereto annexed"—and I object to this recital, not only as highly objectionable upon constitutional grounds, but as wholly unnecessary and mischievous, as throwing all the odium of originating this measure of spoliation of the Irish Church upon his Majesty. Sir, I very much regret that, being misled by the arrangements for this evening's proceedings, I was not here in time to move the Resolutions of which I had given notice for this evening, touching his Majesty's message to this House, which is recited in this preamble. In point of form, it is contrary to all precedent of parliamentary usage that this message has been brought down verbally to this House. I find it stated in Mr. Hatsell's precedents, that, except in matters personal to any Member of this House (in which cases a verbal message is adopted), the invariable rule is, that the message from the Crown should be in writing, under the royal sign manual, and communicated to both Houses of Parliament at the same time—and there are many instances of the jealous interference of the other House if this course is not pursued. But I object now to this message in point of substance. His Majesty is here made to surrender his interest in the temporalities of the bishoprics proposed to be suppressed, to the unlimited disposal of Parliament—not even restricted to be applied to ecclesiastical purposes; and again, his Majesty does not surrender for himself and his successors, but only his own personal interests. And what are they in the temporalities of any one of these Bishops, who may happen to survive the Crown? Clearly nothing. But I deny, that the Crown has any beneficial interest in the temporalities of the Established Church—at least with the exception that, on the death of each Bishop the King is entitled, by his prerogative, to the Bishop's palfrey, his bason and ewer, and his kennel of hounds. And these are to be compounded for in the Exchequer. This stands upon the authority of Lord Coke, and other ancient writers, cited in Mr. Chitty's recent treatise of the prerogatives of the Crown; but, "*expressio unius est exclusio alterius*" and from this statement of the rights which do belong to the prerogative beneficially, we infer the exclusion of all others. The King, indeed, also presents to benefices which may fall vacant before the see is filled up. Of the temporalities, the lands and property of the Bishops, the King is merely the guardian during vacancy, and accounts for the profits to the successor. This is clearly both the law and usage at the present day. There have, indeed, been many instances of the Crown in ancient times taking possession of the Bishops' temporalities, and enjoying or committing waste upon them; but this has been forbidden by many statutes, as 1 Edward 3rd, s. 2, c. 2 14; Edward 3rd, s. 4, c. 3; and 25 Edward 3rd, s. 3, c. 6; and these statutes clearly negative the right of the Crown. I find, also, in Matthew Paris, that King Henry 1st granted a charter at the beginning of his reign, promising neither to sell, nor let to farm, nor take anything from the domains of the Church till the successor was appointed. And it was made one of the articles of the great charter in 9 Henry 3rd, that no waste should be made in the temporalities of bishoprics, neither should the custody of them be sold. And indeed all the authorities which I have consulted established the same proposition, that the interest of the King is merely a barren trusteeship as guardian *pro tempore* of the temporalities. But if this be so, how can the surrender of this interest be made, as it is by this clause, the foundation of the Legislature interfering to suppress the bishoprics, of which the temporalities are surrendered, and seizing the fee-simple of their estates? It may be called what you will, but it is direct and unjustifiable spoliation, and a most dangerous precedent for the English Church, and every right of private property in the United Kingdom. It should not be forgotten that the Established Church in this country is recognised by our Constitution as a distinct estate of this realm. In Lord Coke's 4th Institute, treating of the High Court of Parliament, he says: "This Court consisteth of the King's Majesty, sitting there as in his royal politic capacity, and of the three estates of the realm, viz: 1. The Lords spiritual, being the Archbishops and Bishops, who, when any Parliament is holden, ought, '*ex debito justitiæ*,' to have a writ of summons; 2. The Lords temporal; and 3. The Commons." And this I cite, merely observing that the vulgar error, which considers the three estates to consist of King, Lords, and Commons, is unfounded. It is further no less clear, that the clergy, by the Constitution of this country, have always been recognised as an independent body under the King, as their supreme head, meeting in convocation for their own government and discipline; and taxing themselves towards the necessities of the State generally, be it observed, in a larger proportion than was paid by the laity. I have here a full record of the proceedings in convocation, so late as the 27th Elizabeth, which I have extracted from Bishop Gibson's "Codex"—and indeed there can be no dispute that the clergy in convocation taxed their own body. I have also found a writ in the register, which every lawyer knows is of the highest authority, and which writ every clergyman whose lands should be distrained upon for any tax, had a right to sue out for his protection. This writ is addressed to the Sheriff, commanding him not to distrain; and reciting that it is by the custom of England that ecclesiastical property is not subject to be taxed, except by the clergy. Such, then, being the respective interests of the Crown and the clergy, I most strongly object to the preamble of this clause upon most constitutional ground, that this surrender by his Majesty, and his supposed ultimate assent to this Bill, are in direct and positive violation of the letter and spirit of the Coronation Oath. I am aware that this subject has before been discussed in both Houses of Parliament on occasion of the passing of the Roman Catholic Relief Bill, and very recently, since I gave notice of my resolutions, by one of which I proposed to raise this question, it has been re-asserted by the noble Earl at the head of his Majesty's Government in another place, that the Coronation Oath binds his Majesty only in his executive, but not in his legislative capacity. This proposition I totally deny. I believe, that in former debates in this House the subject has never been fully considered, and I trust that a struggle—a fair but firm struggle—in argument, will yet be made ere so monstrous a proposition shall receive the deliberate sanction of Parliament. I do not hesitate to say, that the whole liberties of this country hinge upon it—it lies at the very root of our Constitution, and it is evident, that all the rights and liberties of the people may be uprooted and destroyed by the Crown and the Parliament, if this construction of the oath shall prevail. It is placed, I know, upon the words "or shall" being introduced into that part of the Oath where the King swears to "preserve to the Bishops and Churches all such rights as do or shall appertain to them"—and hence it is said, that the King may join with the two Houses of Parliament in destroying all, or the greater portion of such rights as do belong to the clergy; and then if in his executive capacity he preserves to the Church the remnant, or the nothing which is left, he thereby fulfils his obligation, which was but in the alternative, that he should preserve all which then shall belong to them, after the Legislature has deprived them of the rest. But, can this be satisfactory to men of common sense? At least there are two ways of reading this part of the oath; and as it would evidently not be enough for the Monarch to engage to preserve what rights the clergy possessed at the time of imposing the oath, without extending his engagement to such rights also as might be afterwards acquired, hence arose, I apprehend, the addition of the words "or shall" appertain to them. This is at least an ambiguity; but in one sense it increases the security proposed; in the other, it renders it no security at all—nay, by the construction attempted to be put upon it, this part of the oath is rendered of no value, for in a former part of it the King swears to maintain all laws enacted by the Parliament. And again, even if these words prove, as is contended, that the King's legislative power was to be controlled, this argument cannot apply to that positive enactment, in the oath, that his Majesty "will, to the utmost of his power, maintain the Protestant reformed religion established by law." Here there is no ambiguity—and what power on earth can dispense with this obligation? or is it consistent with it to destroy ten bishoprics in Ireland (nearly half their hierarchy), and apply their possessions to other than ecclesiastical purposes? I say nothing now of its being also a positive contravention of the 5th article of the Union between the two countries, because I am to confine myself merely to the preamble in question. If I err in my opinion of the construction of the Coronation Oath, I have at least the satisfaction of knowing that I err in common with a large number of the most dignified, excellent, and enlightened men both in this country and Ireland; and to show the House their opinions upon this great question, I have read through every petition against this Bill, which has been presented to this House either from Ireland or England, and have selected seven or eight from each country, in order to read to hon. Members what are the opinions here expressed by the prelates, dignitaries, clergy, and lay members of the Established Church, singly with reference to this one point of the obligation imposed by the Coronation Oath. The hon. Member here read extracts from several petitions both from Ireland and England, all expressing in the strongest terms the opinions of the petitioners that the present Bill is in direct violation of the letter and spirit of the Coronation Oath, and protesting against its passing into a law. Let me now, Sir, consider in what sense, in construing this oath, it ought to be understood. In Paley's "Moral Philosophy," liber 3, I find that he states that "oaths being designed for the security of the imposer, it is manifest that they must be interpreted and performed in the sense in which the imposer intends them, otherwise they afford no security to him"—and again, in Puffendorf, lib. 4, ch. 2, he says, "an oath must be understood in that sense in which the imposer understood it, and which he intended it to bear." This oath, then, must be interpreted and performed according to the sense in which the Legislature in 1688 intended it and imposed it. And what that sense was is rendered perfectly evident by reference to the debates in this House of that day, and which establish beyond all controversy that it was intended that the King should be bound in his legislative capacity, as well as in his executive. I refer particularly to two Amendments, which were put and negatived—one, to add the words "or shall" be established by law—upon which, Mr. Finch says: "No man can have any colour, but that still a liberty is to consent to any other laws to preserve religion, and those are according to the oath 'established by law.'" And the other when Mr. Pelham proposed to add as a proviso to the Bill, "that no clause therein should be understood so to bind the kings and queens of this realm, as to prevent their giving their assent to any Bill, which should at any time be offered by the Lords and Commons for taking away or altering any form or ceremony in the Established Church, so as the doctrines of the said Church, or the public liturgy, and the episcopal government of it be preserved;" and this was negatived, on the ground that making alterations in the ceremonial of the Church was not contrary to the principles of the oath—and so the exception proves the rule. I will only trouble the House further with one extract which I was delighted to meet with in Mr. Burke's celebrated Treatise on the French Revolution, as he there speaks distinctly of the Church property in this country as private property, and sacred as such. He says of the people of England, after eulogising their attachment to the Church: "From the united considerations of religion and constitutional policy, from their opinion of a duty to make a sure provision for the consolation of the feeble, and the instruction of the ignorant, they have incorporated and identified the estate of the Church with the mass of private property of which the State is not the proprietor, either for use or dominion; but the guardian only, and the regulator. They have ordained that the provision of this establishment might be as stable as the earth on which it stands." In several other parts of his works he expresses the same sentiments; and, in one avers, "that the English nation will never suffer the fixed estate of the Church to be converted into a pension, or to depend upon the treasury, but that they have therefore made their Church, like their king and their nobility, independent." I will not read other extracts, or refer to other authorities now—permit me only to say, that in all the sentiments of this great and good man I entirely and cordially concur. As a lover of my country, and an admirer of its once glorious Constitution, I feel deeply the rapid spread of principles which will overwhelm it, the encouragement which those principles unhappily receive within these walls, and the daily inroads which are made upon its integrity and beautiful structure—but never more fatally than by this most oppressive and unconstitutional Bill—I feel deeply upon the subject, and earnestly entreat the House to reject the preamble to this clause.

Dr. *Lushington* said, that the beneficial interest in Bishops' temporalities was vested in the Crown during the time that the sees might happen to be vacant, and therefore it was necessary that his Majesty should signify his assent to the measure before the House.

Mr. *Poulter* contended, that if the United Church of England and Ireland meant anything more than a spiritual union it could only be regarded as a reproach to the former. He did not deny, that many individual dignitaries of the Irish Church were adorned by the highest virtues, but the institution itself was founded upon a principle of conquest, and had gone on upon a principle of intolerance, and, therefore, could have nothing in common with a Church whose foundation at least was in the affections of the people, and to which happy distinction he trusted again to see it fully restored by the Reforms which had been commenced by the noble Lord. In Ireland the Protestant Church having been imposed upon the people by violence and force, and maintained by a system founded in those principles, had rather tended to retard the growth of the Reformation than to encourage and foster it; and even if the blessed light of those principles were to beam upon the minds of the people of

Ireland, it could only be kindled by the provisions of this and similar measures. Indeed he could well imagine the noble Lord who had introduced the Bill as aspiring to the high honour of becoming a second founder of the Protestant religion in Ireland—the founder of a new Reformation upon the grounds of reason, moderation, and suitableness. He expressed his surprise that the old and exploded argument respecting the Coronation Oath had been revived; that argument had been triumphantly answered upon the Catholic question by the right hon. member for Tamworth. The Coronation Oath being imposed by the people on the Sovereign, it was impossible to say, that they were not to be the judges of the construction to be put upon its terms. It was, therefore, an absurdity to argue that the Sovereign was not at liberty to make any changes in the temporalities of the Church which the people thought beneficial to the general community. He maintained that it was in his executive, and not in his legislative functions, that the King was restrained by the terms of the oath. It had been said, that the Church received nothing from the State; but he believed its whole title to the property it possessed was a statutable and parliamentary title. Under the Statute of Edward 6th, the clergymen were ordered to read the Book of Common Prayer, under pain of the forfeiture of their benefices; and by the 13th of Elizabeth, all clergymen were deprived of their livings who would not subscribe to the doctrines of the Church of England. These examples proved, that the Legislature had on former occasions exercised its right of dealing with Church property as it thought proper. He very much regretted that this measure had been petitioned against by the Clergy and the Universities, especially that of Oxford, to which he had the honour to belong. He believed that, in passing the measure, the House would be advancing the interests of the Protestant Church and the glory of God.

Mr. *Lefroy* said, as he felt it his duty to give his most strenuous opposition to the present clause, he was anxious to state, as shortly as he could, to the Committee, his reasons for doing so; and as an hon. Member near him had claimed their indulgence on the ground of having many important English petitions against the Bill, he felt he had a not less strong claim, as he had been intrusted with many even still more entitled to consideration, as coming from Ireland, where this Bill was to be put into operation; and he had no hesitation in saying, with respect to the persons from whom those petitions emanated, viz., the clergy of Ireland, more particularly those about whom he was especially interested, the united body of clergy in the county which he had the honour to represent, that notwithstanding the attacks and unfounded charges which had been brought against them, their opinions were well deserving of the respect and attention of the Committee, whether their high intellectual attainments, their entire devotion to the interests of their profession, or their patience under unexampled sufferings, be considered. The petitions to which he alluded were against the principle of the whole Bill, "as infringing upon the rights of property, as inconsistent with the Coronation Oath, and contrary to the Act of Union." Upon the two latter points he would only observe, that they appeared to him to offer insuperable obstacles; and the Committee could have no doubt of the truth of the first, after the admission of the hon. members for Derbyshire and Dublin, one declaring "that he supported these measures of Ministers, as he hoped they would lead to the confiscation of Church property;" the other "that he considered them valuable only as bringing under the cognizance of Parliament the alteration and distribution of Church property, so that hereafter by a portion of it the country might be relieved from the Grand Jury Cess." Though he admitted these petitions were against the whole Bill, he considered himself justified in alluding to them on the present occasion, as if there was one clause against which more than another the petitioners protested, it was this one, and most justly, as it proved clearly that this Bill, which declared in its preamble "that the number of Bishops might be conveniently diminished, and that this and other alterations would tend to the advancement of religion, and the efficiency, permanence, and stability of the United Church of England and Ireland," was founded on false and delusive principles. With respect to the present clause he would confine himself to replying to the reasons assigned in favour of it on a former night by the late Secretary for Ireland—they were three; and he would admit they appeared to him on that occasion to have much weight.

He could well understand that English gentlemen, who were not locally acquainted with Ireland, might be induced by them, if they remained unnoticed, to support this measure. The first was, the comparison of the number of Irish Bishoprics with the number of English Bishoprics, contrasting the extent of their jurisdictions. The second was, the consent of the primate. The third was, the necessity for yielding to the clamour which existed on this subject. In order to satisfy the Committee upon the first point, he would beg to lay before them the peculiarities of the English Church, and wherein it differed materially from the Irish branch. The Irish bench of Bishops consisted of twenty-two; the whole jurisdiction of the Church rested with them; the Deans and Archdeacons in Ireland had no jurisdiction whatever; the Archbishops had the superintendence of their provincial Bishops, and like the other Bishops, the superintendence of their own particular diocese. The English bench consisted of twenty-six Bishops; but a small part of the superintendence rested with them; they had under them thirty-six Deans and sixty Archdeacons, with episcopal jurisdiction; the Deans and Archdeacons superintend the Chapters, and hold their courts and annual visitations; and the government of the Church was so well carried on by them, that the English Bishops hold only triennial visitations. The Archdeacons so completely relieved the Bishops of their most anxious duties, that they were known by the title of "*oculi episcopi.*" The eighteen Irish Bishops did therefore the same work as the ninety-six Deans and Archdeacons performed in England, and the four Irish Archbishops performed the same duty as the twenty-six English Bishops, with the addition of the care and superintendence of their own particular diocese. From hence it appeared, that in Ireland there were only twenty-six ordinaries, that is, persons with episcopal jurisdiction; in England, 122. Where there was one Bishop in Ireland, there were in England six ordinaries. Further, could it be said, that in a country circumstanced as Ireland, whose greatest evils the late Secretary had so truly described, as want of capital, resident gentry, of employment, and of education—the reduction of the Bishops would conduce to remedying any of these evils. Let it be recollected, that there cross-roads are almost impassable, post-horses seldom could be got, travelling was frequently dangerous to clergymen; could it then be contended that it would conduce to the interest of religion to extend the patronage of seven Bishops, when means of knowing their clergy would be diminished, or that the efficiency of the Established Church would be increased by withdrawing from some of the most important towns, such as Cork, Bishops, who from their station and character, exercised a wholesome moral influence, and were looked up to as the supporters of local charities, and the patrons of useful institutions. With respect to the consent of the primate, he need only say, that he so entirely concurred in the high eulogium passed upon that distinguished prelate by the right hon. Gentleman, that he felt it almost presumptuous to entertain a different opinion in any matter affecting the welfare of the Establishment, but they had now the admission of the right hon. Gentleman that he had overstated the assent expressed by the primate. Upon the last point he would only trouble the Committee by reading sentiments expressed so much to his satisfaction, upon a former occasion, by the late Secretary for Ireland, when the motion was only for inquiry into the state of the Church Establishment in Ireland, that he could not omit them at present—"Whether the proposition be considered as one of conciliation or financial advantage, there is no imminent danger which can warrant us in violating the rights and property of the Established Church; she must be supported or given up altogether. It is at present only proposed to clip her wings, and exhibit her in an humbled condition to her rival. If the feelings of the Roman Catholics of Ireland towards the Established Church are intemperate, it is time to show, that her natural protectors are neither too weak nor too indifferent to uphold her, and that her wealth excites no alarm among her friends, whatever jealousy it may excite among her enemies." Having thus as he hoped, disposed of the three strongest arguments in favour of the clause, he must protest against its being repeated, that he and his friends were hostile to any improvements. But let not improvement be tainted with party spirit, nor calculated to insult Protestant feeling in Ireland. He was ready to go even further than was proposed by Mr. Perceval, when he was at the head of affairs in this country. Mr. Perceval opposed pluralities and unions, but now a sufficient sum might be deducted from the incomes of the Bishops to enable Government to carry even their plans into execution, if only they would not meddle with the discipline and ecclesiastical arrangements of the Church, with which, there was no question, they had not a right to deal. Reform, such as he alluded to, would be consistent with the Coronation Oath, with the Act of Union, and calculated to accomplish the wish of a revered Sovereign, "that the day might come when every cottage in his dominion should possess a bible." He would conclude, by entreating the Committee to proceed in this all-important work, according to the advice given on a former occasion by the right hon. Gentleman, "recollecting, that in a matter of such vital importance, the utmost caution should be used, lest by an indiscreet zeal for doing good, they may inflict an irreparable injury;" to reflect that the progress of this Bill was anxiously watched by many who lived in Ireland, supporting the laws and maintaining the union, and who would learn from the decision of that night, if the giant which would at length overwhelm them was to be fed and pampered on the life-blood of that hope and confidence which once invigorated and supported those loyal men; and he conjured them not to forget the warning voice of that nobleman (Lord Plunkett), who was raised to his present high position in Ireland for the purpose, as it was stated, of conciliating the Protestants—and who in his place in that House declared, "that to take away the rights of one class of people to give them to another, cannot be termed anything but spoliation; that he had no hesitation in saying, that the existence of the Protestant Establishment is the great bond of union between the two countries; and that, if ever that unfortunate moment shall arrive, when we shall rashly lay hands on the property of the Church, to rob it of its rights, that moment we shall seal the doom and terminate the connexion between the two countries."

Sir *Robert Inglis* contended, that the question was not, whether the Coronation Oath applied or not to this clause, as stated by his hon. friend, the member for Shaftesbury (Mr. Poulter), but whether the Church of England and Ireland were one; and he had hoped, that the noble Lord would have declared that his hon. friend, in denying that principle, had committed a great constitutional error. He had considered that the question of the Coronation Oath being confined in the obligations it imposed on the Sovereign to his executive functions, had been fully disposed of in former discussions. At all events, he retained his opinion, that whatever power the Legislature might have to modify the oath to be taken by a future Sovereign, yet nothing which could be done now, could have a retrospective effect upon the terms, or on the construction of the terms, of the oath which had already been taken, which must remain with those who imposed, and with him who took it alone. Nothing which could be done now with regard to the oath, could have any operation except with reference to the future. The hon. member for Shaftesbury had also appealed to cases in which the Parliament had interfered with the property of the Church since the Reformation. He begged to ask the hon. Member, whether the Acts of Edward 6th, and of Elizabeth, to which he alluded, were not adopted in concurrence with the decisions of the two Houses of Convocation, and, therefore, under circumstances by which the Parliament were only giving effect to regulations emanating from the clergy themselves? With regard to the amendment, it was not one which he desired to see pressed upon the Committee, as he did not concur with the hon. Mover as to his observations respecting the interest of the Crown.

Mr. *Shaw* believed the present course was unprecedented, and asked the noble Lord, whether he could advance any instance of the consent of the Crown being given verbally, instead of under the sign manual, when any important right of the Crown was to be surrendered, although such a course might have been adopted in matters of minor importance.

Lord *Althorp* could not mention any case in which the present course had been adopted; and although it was more usual for the consent of the Crown to be given by the sign-manual in such cases, yet he could see no substantial objection to the present course.

The Amendment negatived.

On the clause being again put,

Mr. *Shaw* said, he hoped it would not be denied, that in the previous discussions of the Bill, he had not urged objections that were captious, or offered any vexatious delay to its progress; but he considered that they had then arrived at one of the most important and objectionable clauses of the entire Bill. The two leading principles of the measure, which, in his judgment, must earn for it the opposition of every man who valued the security of property and the interests of the Established Church, were, the alienation of Church property to other than Church purposes, and the general tendency of its enactments to lower the authority, and diminish the just influence of the spiritual heads of the Established Church in Ireland. The clause which related to the appropriation of the perpetuity purchase fund, occurred late in the Bill, and he would not then enter into a premature discussion of it. Still it was in one respect essentially connected with the present clause, inasmuch as if the proper funds of the Church were not diverted from its use, any arrangement or distribution of those funds for strictly ecclesiastical purposes would be much facilitated : but the principle of undue and unprecedented interference with ecclesiastical authority, was more immediately involved in the 32nd section of the Bill then before them. He had already objected to the constitution of the Board of Commissioners—to the power of suspending incumbents, where service had not been performed for three years, and to the difficulties interposed to the building of new churches; all contributing to the same end, but none so decidedly and so fatally as the present clause, by the reduction of the number of bishoprics. He objected to this both in an ecclesiastical and a political point of view. As regarded the first, the only argument ever attempted in support of it was, a comparison with the number of Bishops in England; but in that there was a double fallacy—first, in assuming, that in England there was a sufficient number of Bishops, and secondly, in supposing, that they performed the same duties as the Irish Bishops. The right hon. Gentleman instanced the case of an English diocese, which contained about 1,200 benefices, and covered an immense extent of country; but what, he would would ask, was the consequence? It was, that no one man, however active, zealous, and able, could possibly superintend its concerns : and supposing that they could put out of question all considerations of a political nature—which, no doubt, as affected spiritual Peers, would not, in these times, be calmly and dispassionately entered upon—would any reasonable man deny that, for merely ecclesiastical purposes, a greater number of English Bishops would be desirable? The best proof of it was, that necessity obliged them to depute Archdeacons, who, in England, annually held visitations—had their own courts and registrars—and, in all respects, acted as the Bishops' representatives. In Ireland, the political prejudice would have no weight, as it was not contemplated to make any change in the number of representative Bishops; and with regard to those functions which Archdeacons discharged in this country, in Ireland there was no such practice; but there the Bishops in person held annual visitations superintended the churches, school-houses, and other ecclesiastical establishments within their respective dioceses; and kept up a constant communication, by correspondence and in person, with all their clergy. Yet this Bill, which professed as one of its primary objects, the dissolution of unions, and to promote the performance of duty in person in all cases, with strange inconsistency, was, in respect of the bishoprics, to adopt the principle of unions, and to throw upon the individual Bishops duties which it was impossible for any one of them adequately to fulfil. He would, upon this point, refer to a very apposite authority—that of a petition from the laity and clergy of the city of Cork, one of the dioceses it was intended to suppress, and signed by all the influential gentry in that large and important district. The petitioners stated it as—'Their decided opinion, that no one 'person, let him be ever so active, can 'possibly perform the varied and important 'duties of ordinations, confirmations, and 'annual visitation, combined with the 'frequent personal superintendence of parochial matters, throughout the extent of 'country comprised in the proposed union.' The learned and eminent Prelate who filled that See, which it was proposed to suppress, because the duties were insufficient to occupy a Bishop, had assured him (Mr. Shaw), that though he had been all his life engaged in the most arduous and laborious avocations—which must be well known to all persons acquainted with the nature of the Fellowships and Provostships of the University of Dublin—he never had his time and his mind so constantly and indefatigably occupied, as since he had been appointed Bishop of Cork. An hon. Member had complained, that an overgrown episcopacy had been detrimental to the cause of the Protestant Church in Ireland. That hon. Member professed much friendship for the Irish branch of the Established Church; but he certainly did not show, that he had any great acquaintance with its present condition. Was that hon. Member aware that, under the care and superintendence of those Bishops whom he ventured to condemn, greater benefits had been conferred, in providing all the means of advancement and extension of the Established Church, within the last quarter of a century, than had been in the entire century preceding? Four times the number of Churches had been built—three times, at least, the number of glebe-houses—and all other requisites and proofs of growing improvement were to be discovered in the same proportion. He had stated, on a former occasion, the number of new Churches, and other licensed places, which had been opened for the performance of divine service; but this had been met by the argument that it was one thing to have churches, and another to have congregations. In answer, then, to that observation, he could mention, that in three dioceses alone, which he declared had been only accidentally selected, but which would serve as a sample of the rest, in thirty new places of worship there were 1,246 regular communicants, making on an average forty-one in each; and that, according to the usual calculation of one communicant in ten who attended the Church, would give an average congregation of about 400 to each Church. He alluded to the dioceses of Cork, Cloyne, and Ferns, and he believed in other dioceses of which he had not the same accurate returns, that the increase had been quite as great both in Churches and congregations. Then with regard to this question as it affected the political and social state of Ireland; absenteeism was the evil that all were deploring, and yet in one sweep that Bill was to remove, independently of any religious consideration, ten gentlemen of high rank, station, and character, from their respective residences in that country. Now if the Government had 40,000*l.* a-year to lay out to the advantage of Ireland, he would ask could they expend it more profitably than in fixing ten such residents in the very places from which they were taking them away. The peculiar circumstances of the country were not in this, as in most other Irish questions, sufficiently considered. The second tithe report of the right hon. Gentleman opposite (Mr. Stanley) observed strongly upon the importance of this distinction; it stated that "In England there are few districts in which the want of resident proprietors or of landowners in easy circumstances operates injuriously upon the condition of the peasantry and the cultivation of the soil—in Ireland there are very many, and those probably in districts where the residence of a Protestant clergyman would produce the most beneficial results." The hon. and learned member for Dublin the other night bore testimony to the fact, that in all the offices of charity and benevolence extending themselves throughout the sphere of influence of the Protestant resident gentlemen there obtained no distinction in regard to religious creed. In 1824, the Bishop of Limerick had stated, that there were ten petitions before the Houses of Parliament, signed by multitudes of Roman Catholics, praying that more resident Protestant clergymen should be sent among them. The truth was, that previous to the combination which was encouraged and excited against that species of property, commencing in the year 1829 or 1830, no persons paid their tithes with more alacrity than the Roman Catholics. They regarded the payment in its true light, as a mere tax upon the land, belonging in nine cases out of ten to Protestant proprietors; and it was not, as had been alleged, from any natural dislike on their parts to the nature of the tax, that we owed the present condition of society in Ireland, but to the doctrines of the Roman Catholic priesthood sedulously circulated in their exhortations and their writings, to let "the hatred of tithes be as lasting as the love of justice;" and that it was the duty of those poor deluded people to "employ against the devouring impost all their wit and ingenuity, with all the means which the law allows," and which latter expression the right reverend writer well knew the people would construe to mean "by all the means which the law forbids." The efforts of political agitators were simultaneously used for the same purpose—and these being unchecked by the Government, the result had been the present deplorable, he might almost say, dissolution of society in Ireland. Was it now then proposed to make further unavailing sacrifices to appease this same interested and designing clamour? Did his Majesty's

Ministers imagine that this sop thrown to the agitators and disturbers of the public peace, would have any other effect than to renew their strength and encourage their audacious resistance to the laws. Was there anything in the diminution of the number of the Irish Bishops calculated to confer a real benefit on the Roman Catholic population, while it would most justly incense the Protestant? If the requisite sum for all legitimate purposes of a strictly ecclesiastical character could not be otherwise provided, and the Church property be secured, then he and other Protestants would say reduce rather the incomes than the number of our Bishops. But no; that was refused, because, though it would equally accomplish the object so far as revenue was concerned, it would not equally serve to offend and insult the Protestants of Ireland. He charged that upon his Majesty's Government as their real motive in this enactment—and as he had often heard it said in reference to society, that a man of good sense and temper could always avoid a quarrel unless another was determined right or wrong to quarrel with him; so it now seemed to be with his Majesty's Ministers. It was not enough that Protestants should even consent to the same thing being done in a way less offensive to their feelings, because the object would appear to be to give them offence, and to offer them insult. But let the Government of this country beware. He had not failed upon these discussions to observe the tone and manner that the Ministers had adopted. They had permitted hon. Members who were their own supporters to charge upon them as a crime an attempt to support the Established Church in Ireland without repudiating the doctrine. The noble Lord the other night declared his opinion that no Minister could hold his place in England if he attempted to subvert her Established Church, but he studiously avoided applying the same observation to Ireland, and resting the support even of the Church in England upon the ground, not of right or duty, but of that popularity which alone seemed to be the ruling power over the mind of the noble Lord. He suggested the natural inference that if the Church in Ireland was not equally popular, the Minister was not bound to support it. The noble Lord also heard with a studied silence, almost amounting to acquiescence, the hon. member for St. Alban's (Mr. Ward) a supporter of the Government, state, from the seat immediately behind the noble Lord, that so far from the continuance of the Established Church in Ireland being a condition of the union between the countries, he considered it the most likely means of their disunion. Did not the noble Lord well know, that this was no matter of opinion, but that it was declared by the Act of Union as an essential and fundamental article of that national compact, that the United Church of England and Ireland should for ever be continued and preserved? Nay, he would tell the noble Lord more—that even if no such contract existed in law between the two countries, there would be in fact, and in the genuine feeling of the Irish nation, no link, independently of the Established Church, strong enough to maintain the connexion with England. Neither his Majesty's Ministers nor the Members of that House should deceive themselves with respect to the feelings of the Irish people. Overthrow the Established Church, and you seal the doom of the Union. The hon. and learned member for Dublin (Mr. O'Connell) would carry the Repeal of the Union in six months after the Protestant Established Church had ceased to exist in Ireland. He had no desire then to advert to the question of the Repeal of the Union, further than it was inseparably connected with the one before them. Being himself most averse, upon every principle, from that measure, he was the better witness as to the sentiments of others—and he felt, that he should be guilty of an abandonment of his duty, if he did not give timely warning to his Majesty's Ministers, that they were walking upon the edge of a fearful precipice. The Roman Catholics of Ireland almost to a man were against the Union—a large portion of the Protestants regarded it with favour, principally as a means of preserving their established religion. The feelings of many others would be estranged from this country, if this country abandoned their religious establishment in Ireland; and certainly the language of some hon. Members of that House, as applied to the gentry of Ireland, and particularly he would say of the hon. and gallant General (Sir Hussey Vivian) who had just arrived from the castle of Dublin in a sort of demi-official capacity, was not calculated to promote much cordiality of sentiment between them and those who legislated for them in England. He altogether disclaimed any intention of menacing the Government or English Members of that House, but in sober truth and sincerity, and as an imperative duty, he must caution them, that it was not sufficiently borne in mind that the argument—that the Repeal of the Union must lead to a separation, to which he fully assented, and that Ireland could not possibly exist as a separate state, if that were admitted, was not altogether conclusive of the question at issue—for though he spoke not his own sentiments, yet he was bound to suggest in time what might possibly be the opinion of others under altered circumstances. Such a thing was possible as Protestants conceiving that if the Roman Catholic religion was to be ascendant in Ireland, other great powers might deal with it more to their minds than the Government of this country, which he believed was at that moment in treaty with the heads of the Roman Catholic Church, with a view to form a State alliance between their religion and the Irish nation. Nor was it so clear that, in a choice of evils, republicanism even would not be a lesser one than a democracy in its worst form, when exercising the veriest despotism, as, if they were to judge from some of the leading Journals of the metropolis, it was at that moment in England, under the specious guise of a mixed Government and a limited monarchy. If the noble Lord (Lord Althorp) would pardon the liberty of his saying so, there was no person who more justly appreciated than he (Mr. Shaw) did, the suavity and courteous demeanour of the noble Lord to every Member of that House. But these were times of awful moment, requiring every energy and power of the mind to be awakened; and in allusion to an expression used towards the noble Lord, with reference to a much less important subject, the other night, he did entreat of the noble Lord not to "smile away" the peace, the prosperity, the happiness, and the very existence of Ireland as an integral part of the United Kingdom.

Mr. Secretary *Stanley* declined following the hon. and learned Gentleman through the various topics which he had dilated upon in the course of his speech, as they had nothing to do with the question before the House; and because their only tendency was, to distract the attention of the House from the calm consideration of the subject under discussion. In the first place he must protest against the doctrine of the hon. and learned Gentleman, that whenever an opinion was expressed by an hon. Member, unconnected with his Majesty's Government, if some Member of the Government did not rise in his place and disavow the opinion in question, his Majesty's Government must, therefore, be held responsible. Such was the fair deduction from the hon. and learned Gentleman's wishing to make the Government responsible for the opinions expressed by the hon. members for Shaftesbury and St. Alban's. The hon. and learned Member censured his Majesty's Ministers for not having at once contradicted the assertion, that a distinction existed between the Churches of England and Ireland. The hon. and learned Gentleman had asserted, that the tendency of this measure was, to subvert the Church Establishment in Ireland; whereas its object was, to uphold and support the Church in Ireland, by removing from it those blemishes and defects which only tended to disfigure and to weaken it. With the question, as to whether there should be a reduction of four, six, eight, or ten Bishops the House had nothing to do, until the schedules came under its attention. The question then under consideration was, whether the number of the Bishops was, or was not, disproportionate to the duties they had to perform. The hon. and learned Gentleman had quoted the Second Tithe Report, with a view to show, that in many parts of the country the residence of the Protestant clergy was attended with the most beneficial results. He (Mr. Stanley) entirely concurred in that assertion, and was of opinion that the greatest good was derived from a resident gentry; and that as the Protestant clergyman was in that situation, his presence was most advantageous. But he would beg the hon. and learned Gentleman to recollect that they were not about to take from Ireland one farthing of income; but the question was, whether the revenue of the Bishops might not be more advantageously distributed even as regarded the Church itself. Ministers did not propose to divest the Church of Ireland of any portion of its revenues; but that they should be more equally distributed. They merely proposed to have such a fresh distribution of the revenues of the Church, as would add to its efficiency, and thereby to the respect with which it would be regarded by the nation at large. He was always unwilling to repeat an opinion which had been expressed to him in private, in that House; but he would repeat now, what he had said before; he admitted that the Primate did not approve of this measure to its full extent; but he had distinctly stated, that if a measure of the sort were to be adopted, he thought that diminishing the number of Bishops would be the least objectionable mode that could be devised; and had recapitulated the names of some of those bishoprics which he thought might be spared with the least inconvenience; and the very first See that he named was that alluded to by the hon. and learned Gentleman; namely, the Bishopric of Raphoe; which the Primate recommended should be consolidated with that of Derry. He hoped that the House would excuse him while he proceeded to show that the number of Bishops who would remain in Ireland, after the consolidation of these bishoprics, would be amply sufficient for the performance of ecclesiastical duty. In the bishopric of Dromore there were twenty-six benefices. This was to be consolidated with the united bishoprics of Down and Connor, in which there were eighty-nine benefices, making a total of 125. In the bishopric of Raphoe, there were thirty-four benefices; in that of Derry, fifty-seven; so that the whole number of benefices to be placed under the superintendence of the Bishop of those consolidated dioceses, would be ninety-one. In the bishopric of Clogher there were forty-five; and in the archbishopric of Armagh, eighty-eight; making together, 133. In the bishopric of Elfin, there were thirty-six benefices; in that of Kilmore, thirty-six; together, seventy-two. In the united bishoprics of Killala and Achonry, there were thirty-one benefices; in the archbishopric of Tuam, forty-three; making, together, seventy-four. He must admit that this diocese included a very large extent of country. In the united bishoprics of Clonfert and Kilmacduagh, there were thirty-one benefices; in those of Killaloe and Kilfenora, sixty-nine; making, together, 100. In the diocese of Kildare there were fifty benefices; in the united dioceses of Dublin and Glendalagh, 114; making, together 164. In the diocese of Ossory there were sixty-one; and in Ferns and Leighlin, 118; making, altogether, 179 benefices. In the united bishoprics of Waterford and Lismore, there were sixty-five; in those of Cashel and Emly, fifty-four; together, 119. In the united bishoprics of Cork and Ross, there were ninety-four benefices; in that of Cloyne, seventy-five; making, together, 169. Thus it appeared, that, according to the plan proposed by his Majesty's Ministers, no Bishop would be called upon to superintend more than 179 benefices; and was this too much for the superintendence of one Prelate? The bishopric of Exeter, in which diocese he resided, was much more extensive than any diocese in Ireland; as there were between 1,100 and 1,200 parishes in it. This number might certainly be too great for the superintendence of a single Bishop; but, at the same time, he could not allow that 179 benefices were too many. The number of livings in Ireland was 1,456; and he did not think that the future Archbishops of Dublin would have a disproportionate number of parishes to attend to, considering that they were not distributed over an extensive district. The aggregate revenue of the Church of England did not exceed 3,000,000*l.*; of which sum the episcopal revenues amounted to 156,000*l.* The total revenue of the church of Ireland, was between 700,000*l.* or 800,000*l.*; and of this sum the revenues of the Bishops amounted to 150,000*l.*; of which 130,000*l.* was in rents. It would not be disputed that there was a great disproportion between the revenue of the Bishops of Ireland, as compared with the whole ecclesiastical revenue of that country,—and that of the English Bishops, as compared with the aggregate revenue of the Church of England. He did not wish to take up the time of the Committee on this point; but he had been desirous of showing that there was a material difference as regarded the situations of the two churches, and would now only add, that it should not escape the recollection of the House, that it was not proposed to take away any portion of Church property; but merely to effect a more equal distribution of it.

Mr. *Shaw* had not said, that the Government was bound by the opinions of what might be expressed by any Gentleman who sat on that side of the House, unless they disavowed those opinions,—but what he had said was this,—that the Government brought in a Bill for the purpose of making a different distribution of Church property in Ireland; and as the right hon.

Gentleman alleged, for the purpose of rendering more secure, and increasing the influence of the Church in Ireland. He was bound to believe, that the right hon. Gentleman supported this measure on that ground; but he would ask him whether he considered that other hon. Members in that House supported the Bill, because they believed, that it would tend to the security of the Establishment? Was not the hon. member for Derbyshire among the supporters of this Bill, who admitted that he was desirous of getting rid of the Church of Ireland? He did not mean to say, that the Government was responsible for the opinions of those Gentlemen, but they were responsible for measures which they introduced, and which were supported on such grounds. He did not so much object to the right hon. Gentleman for taking away a portion of the revenues of the richer bishoprics, for other ecclesiastical purposes,—as on account of his reducing the number of the Bishops. He was really sorry to have anything like a difference with the right hon. Gentleman, but he could not help observing (and he said it with the greatest respect to that right hon. Gentleman) that he had not acted altogether fairly in putting the construction which he did on the language of the Primate. He (Mr. Shaw) believed the case was this, — when that most reverend Prelate was informed of the determination of Government to abolish the vestry cess, and that that change must hereafter be made in the revenues of the Church, he observed that, under those circumstances, if no other means could be found, he would consent to a consolidation of bishoprics. The right hon. Gentleman had no wish, he was persuaded, to misrepresent the right reverend Prelate, but the right hon. Gentleman had put a misconstruction upon the right reverend Prelate's words.

Mr. *Gisborne* begged leave to ask whether, admitting that the measure was opposed to the letter of the Union, the hon. Member was prepared to maintain that that act of Union was binding to the very letter on all successive legislatures for ever? The Union was nothing more than an Act of Parliament, and surely the power which gave existence to that Act existed in the Legislature still.

Sir *Robert Inglis* said, that the Act of Union was not a mere ordinary Act of Parliament, but a solemn treaty which held good so long as the two countries continued in a state of Union. To violate its articles, therefore, was *pro tanto* to violate the basis of the Union. Then he had not heard the objections to the Bill founded on the Coronation Oath, rebutted by its supporters, indeed it would be impossible. He wished to observe, that the amount of incumbency did not represent the amount of labour. The Bishops in Ireland performed an annual visitation, which took place only once in three years in England. The number of the Roman Catholic Bishops in Ireland was increased of late. The small number of parishes was no reason for diminishing the number of Bishops. The principle of destruction had commenced when an assembly containing men, part indifferent, and part hostile, to the interests of the hierarchy, took upon itself to determine what should be the number of Bishops in Ireland. The measure was accepted, as the member for Tipperary said, only as 6*s*. 8*d*. in the pound. There was an end to a hierarchy when once it was diminished. The total destruction of it must afterwards become merely a question of expediency. The measure would conciliate neither Protestants nor Catholics. It could not conciliate the Protestants; and the most influential Roman Catholic Members said at the outset that it would not satisfy that body. This clause involved the whole principle; that was, the right of an assembly of laymen to interfere in the spiritualities of the Church. Parliament never did more in this respect than confirm the Acts of Convocation.

Colonel *Conolly* should be wanting in his duty to his constituents and his country, were he not to oppose the Bill then under consideration in every stage. He considered the measure as not merely injurious to the Church, but as more calculated to advance the projects of those who were hostile to the connexion of the two countries, than any one Act of Parliament that had ever been devised. He observed with regret that hon. Members in discussing this subject, treated the Church of Ireland as though it were not a portion of the United Church of Great Britain and Ireland. If Protestantism were, as he believed it to be, the purest faith, why then should not the professors of that faith in Ireland receive equal protection with their brethren in England? They held by their religion as faithfully as the people of England did, and he would beg leave to inform his Majesty's Ministers that Protestantism was the link and bond which united them with England. It was therefore incumbent on Ministers, by every tie moral and religious, as well as political, to cherish, foster and protect the Protestants of Ireland. If hon. Members knew how strongly his constituency, and indeed the whole north of Ireland felt upon the subject then under discussion, they would see how unwise it would be to interfere with their religion, or cause a diminution of their rights. Was it because a majority of the population of Ireland was Roman Catholic that the Protestant Church was to be sacrificed? He did not wish to molest any Roman Catholic, or interfere with the spiritual matters of the Roman Catholic Church, but he could not see any reason why the Protestant Church should be assailed as in the present instance, unless its ultimate annihilation was intended. The hon. Gentleman, the member for Derbyshire (Mr. Gisborne) very plainly stated, on a former evening, his reasons for supporting this measure, which he (Colonel Conolly) could only consider was meant as another sacrifice at the shrine of agitation. But it would not satisfy the Roman Catholics, as had been clearly demonstrated in that House. Why, then, he would ask, did Ministers persevere in a measure which was highly galling to the national feeling, and the tendency of which was to advance those measures which his Majesty's Ministers appeared to deprecate. He could not contemplate any measure better calculated than that then under discussion to forward the views of the enemies of Ireland. The proposition to reduce the number of the Bishops in Ireland was one which he could never consent to. The venerated Prelate at the head of the Church in that country had given it as his opinion, that he would prefer reducing the salaries of all the Bishops to reducing their number. Where, then, he would ask, was the necessity of heaping unnecessary insult upon the Church? What object could there be, in the present instance, of degrading it, unless with a view to its ultimate annihilation? He would not yield to any man in a wish to improve its practice, or render its ministration more perfect; and if this could be effected by altering the appropriation of the revenue of the Church, it should meet with no opposition from him, but to its present degradation and ultimate annihilation he never would be a party. He loved the Church as being the source of the little moral good which was to be found in Ireland. Why, then, should his Majesty's Ministers wish to diminish the means, and curtail the resources, of an establishment that had produced so much moral good as the Protestant Church in Ireland was capable of effecting? What, he would ask, was the crime which stained the characters of the peasantry of Ireland, but the debased standard of morals which existed there? He knew the wants and wishes of the lower orders in Ireland, and it had ever been his anxious wish to raise them in the scale of society and improve their moral habits—and he was confident that if they were allowed free agency of thought, and that the sources of the Established Church were not curtailed, no more powerful engine could be resorted to than the ministration of the Church of England; the moral and religious character of the people would speedily be improved, and the internal peace and happiness of the country placed upon a secure basis. It was impossible that national prosperity could exist without sound moral principles; and looking to the want of these principles as the greatest evil under which that country laboured, he looked with sorrow upon the introduction of any measure, the baneful effects of which must be to curtail the propagation of principles which must tend to counteract that evil. It was the absence of sound moral principles which made the passions of the people so excitable—it was the want of sound moral principle which rendered life and property insecure, and rendered the laws of no effect—and if Gentlemen wished to uphold the connexion between the two countries, let them beware how they disgusted the Protestants of Ireland. He admitted, with pain, that previous to the Union, the clergy of the Established Church in Ireland acted with great supineness. Since then, however, a great alteration had taken place—a stimulus had been applied, and a very extensive diffusion of moral and religious knowledge had taken place. This, he thought, was the moment when great good might be effected. A certain portion of instruction had been communicated to the people; they were now in possession of a considerable degree of knowledge, which, if not accompanied and controlled by the inculcation of sound moral principles, would, so far from being the source of good, but act as stimulants to sedition, violence, and outrage. When this Bill was first introduced, his hon. friend, the member for Oxford, had spoken, and justly so, of the expansive force of Protestantism. He believed, that accordingly as the population of Ireland advanced in knowledge, and exercised a freedom of thought and action, so would an extension of Protestant principles take place. He had never done anything to induce to proselytism, but he would say the advancement of the moral principles of the Established Religion in Ireland could not be looked upon by any man but as an advantage to that country. He claimed for the Established Church the recognition of her having done much to improve the moral feeling of the country, and instead of being spoliated, she ought to be fostered, cherished, and regarded. He would not repeat anything that might be calculated to lessen the efficiency of what had fallen from his hon. and learned friend, the member for the University of Dublin. He concurred in the view taken by his hon. friend, and would be most happy to lend his humble efforts in carrying those views into effect. He had strong objections to the principle involved in the clause, and he also objected to many of the particular bishoprics which it was proposed to reduce. The Bishops of Cork, Waterford, and Ossory, were not only diocesans, but the trustees of large funds which had been left for charitable purposes. He had heard it from two of the Bishops, and from the Dean and Chapter of Waterford, that if these bishoprics were abolished, the charities would be diverted to other purposes than those intended, and the munificence of the testators would run in a different course from that which they had marked out for their appropriation. He regretted exceedingly to find, that the principles now frequently broached in that House had become so palatable. It was broadly stated, and the sentiments were cheered by hon. Members, that property was merely a matter of opinion. Should these principles continue to gain ground, a subtle casuist would have nothing to do but to set to and despoil it, as in the case of the West-India planter. When such arguments were received with approbation in Parliament, he could not view without alarm the inevitable result which must ensue—a result which had been so long foreseen and which was so rapidly approaching. The public taste for spoliation would be found to increase in proportion as its appetite was pandered to, until at length all species of property would be destroyed.

Sir *Robert Bateson* said, he should not trespass long upon the time of the House, and in the few observations which he meant to offer would confine himself to the clause then before the Committee, which he thought one of the most important clauses in the Bill. He stated, on a former occasion, that the House having recognized the principle of the Bill, he would do everything in his power to reform the Church, as far as he could do, adhering to the preamble of the Bill, which set forth that it was intended for the purpose of promoting religion in Ireland. He would beg leave to call the attention of Ministers to the proposition which had been submitted by his hon. friend, the member for the University of Dublin (Mr. Shaw), and which had not been met by any hon. Gentleman who supported the Bill. Instead of diminishing the number of Bishops, he could not conceive why his Majesty's Government should not be content with diminishing their salaries as proposed; and thus the fund which, they stated, would be necessary to provide for Church-cess, and the augmentation of small livings, would be placed at their disposal, and the Protestants of Ireland saved from the degradation they must feel if the number of their Bishops were reduced. If Ministers wished to act in the true spirit of reform, why should they not equalize the revenues of the bishoprics—say, for instance, 4,000*l.* a-year for each, and thus create a fund adequate for all the purposes required? He strongly objected to the practice of translating a Bishop from one see to another. He thought Bishops should not be political Bishops, and therefore he should wish to see the power of the Minister over them curtailed. He also strongly objected to Bishops not residing within their sees, and would give no opposition to a proposition curtailing their incomes to half salaries, in the event of their not residing six months within their sees. He should like to hear from some member of the Government a reason for not adopting the proposition of his hon. friend (Mr. Shaw), but up to that moment, no answer had been attempted by any hon. Member of that House, whether friend or foe. He had latterly heard very extraordinary sentiments broached in that House with respect to the rights of property. One hon. Member not long ago said that one-half the Church lands ought to be given to the Roman Catholic clergy, and the justice of such an appropriation of the revenues of the Church was not denied by his Majesty's Ministers. He also heard still more recently a most extraordinary speech made by the hon. and gallant General opposite (Sir H. Vivian). No man admired that gallant Officer in his professional capacity more than he did, but having had the honour of a seat in that House for three successive Parliaments, he must say, that he never heard sentiments uttered that appeared to him so extraordinary as those contained in the gallant General's speech—sentiments, be it remarked too, so different from those professed, at least, by his Majesty's Ministers. Those sentiments he must not consider so much the sentiments of the gallant General, as those of the highest personage in Ireland. He could not but feel a considerable degree of distrust at hearing such sentiments broached in such a quarter, when his Majesty's Ministers did not deem it necessary to repudiate them. He should strongly support the plan proposed by his hon. friend for reducing the incomes of the Bishops, rather than their numbers. Should the bishoprics be joined as proposed, the great extent of country they would cover must preclude the possibility of the Bishop discharging efficiently the duties imposed on him. Many of those bishoprics would comprise an extent of country of 150 Irish miles; and he would put it to English Members, whether it was possible the Bishop, under such circumstances, could perform the duty as it ought to be done. The Bishops were in the habit of not only attending the churches, but of preaching in every Church throughout the diocese. It was impossible that that arduous, and what he considered necessary duty, could be performed, if the bishoprics were united. For these reasons, and wishing to promote a real and substantial reform in the Church of Ireland, he should vote for keeping the number of Bishops as at present, but for reducing their incomes.

Lord *Althorp* said, that to leave the number of Bishops as they now were, with twenty or thirty parishes in a diocese, would be a scandal; he meant that it was so contrary to the system in England, that it could not be to the benefit of the Church that it should remain so. The question to be looked at was, what was most expedient and most for the benefit of the Church. And it appeared to him that this alteration was essential to the interests of the Church, and would remove many objections urged against it.

Colonel *Perceval* said, that the right hon. Gentleman, the late Secretary for Ireland, had stated on a former occasion, that the principal object Ministers had in reducing the number of bishoprics in Ireland, was, for the purpose of creating a fund to meet the sum collected on account of Vestry-cess, and also for the purpose of increasing the salaries of the working clergy. Now it had been stated, and with great truth, that an ample fund could be found without inflicting the gratuitous insult upon the Protestants of Ireland which was meditated. He knew that reducing the number of Bishops would be felt in Ireland as an insult; and that it was a gratuitous one, no man who had heard the speech of his hon. friend (Mr. Shaw) could doubt. The right hon. Gentleman, also, in introducing the measure stated, that another object Ministers had in view was, to do away with abuses in the Church. Now, the only abuse they appeared inclined to remedy was, the curtailing of the number of Bishops. He had listened to the whole of the debates most attentively, and heard no other. His hon. friend, the member for the University of Dublin (Mr. Shaw), had asked a question which had met with no answer, and it was this—whether it would not be better that the Bishops of Derry and Raphoe should each have 4,000*l.* a-year, than that the Bishop of Derry should have 8,000*l.*? He regretted to find, that one of the arguments brought forward by his hon. friend (Mr. Shaw) appeared to make little impression on his Majesty's Government—namely, the feeling which such a measure as the present was calculated to create in Ireland, with regard to the Repeal of the Union. He (Colonel Perceval) looked upon the consequences likely to flow from it in connexion with that question as most dangerous, and he called upon his Majesty's Government to weigh the matter well before they altogether estranged the feelings of the Protestants of Ireland. The primate, in a conversation with him, said, that he only consented to a diminution in the number of Bishops, in the event of no other means being found to supply the necessary fund. Those means had been devised, and he hoped his Majesty's Ministers would take the proposition into their consideration. The right hon. Gentleman stated, that the number of benefices which the Bishops had to superintend was very limited, and he cited the instance of Killala, in which there were only twenty-seven benefices. He (Colonel Perceval) believed, that since that return had been made out, the number had been increased by the division of parishes. He knew, himself, that the parish of Erris was twenty-six miles long by twenty in breadth, and within a short period it had been divided into two; but if the funds admitted of it, it ought to have been divided into six parishes. There were other parishes in the neighbourhood where he (Colonel Perceval) resided, which were also so large as to require being divided. He thought they might learn a lesson from the Roman Catholics, who instead of diminishing the number of their Bishops, increased them. In Killala and Achonry there was but one Bishop of the Established Church, while there were two Roman Catholic Bishops. On the whole, seeing that no just reason had been given for reducing the number of Bishops, he must oppose the clause.

Mr. *Dominick Browne* said, that a third of the Protestants of Ireland were Presbyterians, who hated the hierarchy as much as the Roman Catholics. If the Protestants were spread over Ireland as over England, twelve Bishops would be as sufficient for the area of Ireland as twenty-six for England.

Sir *Robert Bateson* could not permit the observations of the hon. member for Mayo (Mr. D. Browne) to pass without a reply. That hon. Member stated, that the Presbyterians of Ireland hated episcopacy even more than they did Popery. Now he (Sir R. Bateson) resided in a part of the country, the great body of the population of which was composed of Presbyterians, and on their part he must state, that they entertained neither hatred for episcopacy or popery. In truth there was no class of men who lived in greater harmony with the Church of England.

Mr. *Shaw* declined dividing the Committee on the clause, upon the ground that, as he had stated, when he urged its postponement in the beginning of the evening, it must undergo further discussion when the hon. Members who were alluded to should be in the House, and when the question of the security of Church property should be settled, as, until then, he would not make any proposition touching the reduction of the incomes of future Bishops. He thought, therefore, that the division would be more conveniently taken at a future stage.

Clause agreed to.

Clauses from 33 to 38 also, inclusive were agreed to.

The House resumed; the Committee to sit again.

HOUSE OF LORDS,

Tuesday, June 18, 1833.

MINUTES.] Bills. The Royal Assent was given by Commission to the following Bills:—Consolidated Fund; Police Offices (London); Stafford Bribery.—Read a second time:—Militia Ballot Suspension.

Petitions presented. By Lord DUNDAS, from several Places, for the Abolition of Slavery.—By Lord SUFFIELD, from Bradford, for an Alteration in the Apothecaries Act; and from Cavan for a Revision of the Criminal Code.—By Lord POLTIMORE, from two Places, for Amending the Sale of Beer Act.

ST. LUKE'S VESTRY BILL.] Lord *Western* moved the second reading of this Bill. He stated that the object of it was to lower the qualification of those who voted for the appointment of the Select Vestry, or that part of them to whom was intrusted the management and direction of the poor. There were 16,000 houses in the parish, and yet the number of persons capable of voting was very small. This was in consequence of the reduced value of property. The qualification to give the right of voting was by the Act of 1808, fixed at the renting a house assessed at 30*l.* per annum. In consequence of the change in the value of property since that period, many of the houses that then let at 30*l.* per annum, now let for only 20*l.* a-year. The object of this Bill, therefore, was to carry into effect the intention of the former Act, which was now in some degree frustrated by a change of circumstances. The principle of this Bill had been already recognized by the Legislature, for a Bill had been last year passed to lower the qualification of the voters for the trustees of the lighting and paving in the parish. That Act worked well; and the inhabitants wished the principle of i to be extended to the case of the appointment of the Directors of the Poor. He thought there would be no difficulty in their Lordships agreeing to adopt the same principle now which they had already recognized. If there should be any objections to the details of the Bill, they might be amended in the Committee. He moved that the Bill be read a second time.

Lord *Segrave* moved, as an Amendment, that the Bill be read a second time this day six months. The former Bill on this subject had stated, that "great dissatisfaction" prevailed in the parish with respect to the present system. The word "great" was now struck out, and he was informed, that among the parishioners at large there was no dissatisfaction whatever. There were now 1,274 Vestrymen, and this Bill would increase that deliberative assembly to 3,000; for it was in fact a Bill to lower the qualification of a Vestryman.

Lord *Kenyon* was likewise opposed to the Bill, and should support the Amendment.

Lord *Suffield* thought there was some misunderstanding; for, as he was informed, there were but forty-eight Directors of the Poor, and the object of the Bill was to increase the constituency of that body. That object had his decided support.

Lord *Wharncliffe* should not vote against the second reading while the object of it was thus in doubt. He wished for information on oath on the subject. But if he found, as he believed he should, that, by Sir John Hobhouse's Bill, all the persons rated in a certain way were Vestrymen, and that the object of this Bill was to increase the number of Vestrymen, he should vote against it.

Lord *Wynford* believed, that that was the case. He thought 1,274 Vestrymen sufficiently numerous, and should vote for the Amendment.

The Earl of *Suffolk* thought, that while the matter was in doubt they ought to go into the Committee.

The House divided on the Amendment: Contents 18; Not Contents 7—Majority 11.

Bill thrown out.

* * *

HOUSE OF COMMONS,

Tuesday, June 18, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. O'CONNELL, Accounts of all Fines, Fees, Forfeitures, &c., received, and of Money paid away, by the Divisional Justices of the Police District of Dublin Metropolis, from the date of the last Return, to January 1833.—On the Motion of Mr. RUTHVEN, an Account of the Number of Paupers in the House of Industry, Dublin; also an Account of the Salaries and Emoluments of the different Curates in each Benefice in Ireland.

Bill. Read a second time:—Notaries Public.

Petitions presented. By Lord ALTHORP, from the Parish of St. John, Terrington, complaining of the Rector of that Parish (the Bishop of PETERBOROUGH); from Hawkhurst, for some Alteration in the Tithe Commutation Bill with regard to the Tithes on Hops; from Killarney, for an Improvement in the Tenures of Glebe Lands; from Kilfenora (Ireland), for the Repeal of the Subletting Act; from Byfield, and other Places, for Relief to the Dissenters from their present Grievances; from the Retailers of Beer in Sheffield and other Places, for Placing them on a footing with Licensed Victuallers; and from three Places, against Slavery.—By Mr. O'CONNELL, from the Electors of Representatives of various parts of the United Kingdom, against the Grant of 20,000,000*l.* to the Slave Owners.—By Mr. BETHELL, from Pocklington, for the Repeal of the Malt Tax, and against any Alteration in the Corn Laws; and from several Places, for Alterations in the Apothecaries Act. —By Mr. H. B. CURTEIS, from Mayfield, Sussex,—against the Malt Tax.—By Mr. WILBRAHAM, from Louth and Burgh; and by Mr. BLAMIRE, from Cockermouth and Penrith, against the General Register Bill.—By Mr. WILBRAHAM, from the Deanery of Anstley, complaining of Abuses in the Church Establishment in Wales; and from Preston, against the Renewal of the East-India Charter.—By Colonel EVANS, from Rye; and by Mr. WILBRAHAM, from Northwich,—for Alterations in the Sale of Beer Act. —By Mr. CUMMING BRUCE, from Inverness; Mr. H. B. CURTEIS, from Battle; and by an HON. MEMBER, from Stafford, for the Abolition of Slavery.—By Mr. HARDY, from Bradford, against the Apothecaries Act.

CORPORATION OF BOSTON.] Major *Handley:* I have a Petition to present from Charles Frederick Barber, of Boston, in the county of Lincoln. The fact of the existence of the public grievance here complained of—namely, corporate abuses —does not rest solely upon this document. A petition, containing similar allegations, and signed by many inhabitants of Boston, was, I believe, presented to this House by my hon. colleague about two months ago. That which is new to the House is the individual case of Mr. Barber, which demonstrates clearly the injury inflicted upon him individually, and upon the community at large, by the practices complained of. The petitioner accuses the Corporation of Boston of having applied to political and party purposes their authority as Magistrates, and the resources of the town of which they are trustees— of having expended large sums of money to uphold illegal claims. He asserts, also, that at all the late elections for Members of Parliament, they have been in the habit of forcing their dependents to vote according to their dictation under pain of losing their situations. Upon these public grounds Mr. Barber appears before the

House as a petitioner, and it becomes my duty, however painful, to call its attention to the state of the Corporation of Boston. I now proceed to the case of the petitioner, and I am bound to say, that the statement I am about to make is, from all I can learn, substantially true. At the election of 1831 party spirit ran high, and gave rise to much contention; on one occasion a disturbance took place, windows were broken, and damage was done to other property. But as these unlawful proceedings arose out of the customary licence of elections, an earnest wish was felt by a majority of the inhabitants, when excitement had subsided, that the offenders should not be prosecuted. In order to smooth the way for this act of clemency, and restore peace and harmony among neighbours, at a public vestry it was agreed, upon the express understanding that no prosecution should take place, that the amount of damage done should be paid for out of the parochial rate; and it was paid accordingly. Nevertheless, an indictment was preferred by the Magistrates and others of their party against nine men implicated in the tumult, and they were convicted and sent to gaol. It was thought in the town, that these men were hardly used, that the promise of an amnesty had been violated, and considerable interest being felt for their case, several addresses were printed and published, exposing the hardship to which they were subjected. A considerable number of copies of one of these addresses was publicly circulated from house to house, was put in the windows of a great many tradesmen, and exposed to view in other public parts of the town. The petitioner, among the many who had placed these Bills in their windows, were apprehended under warrants, taken before the borough Magistrates, and by them convicted on the oath of the Beadle, and fined in the full unmitigated penalty of 20*l.* for publishing a printed bill without a printer's name. The petitioner solemnly declares, that he was neither the author nor the printer of this bill. The penalty inflicted may be supposed to have no reference to the contents of the Bill—they were vituperations—the Corporation was the object of their abuse, and the corporate officers composed the evidence as well as the Bench, which convicted in 20*l.*, having a power of mitigation to 5*l.*, the crime being the exposure in a window of a hand-bill printed without the name of a printer, and previously circulated through the town. Rigidly to exact the full penalty to such an amount, and for such an offence, under such circumstances, appears to me, I confess, an Act of extreme severity, to say the least of it. This is only the beginning—much more and worse is to come. At the last Midsummer Assizes at Lincoln, these parties, after having paid these penalties, were indicted for a libel on the Corporation of Boston, said to be contained in the aforesaid hand-bill. A true bill was found. It must now be supposed that a measure of punishment was likely to fall upon these offenders, at least adequate to the crime laid to their charge. The prosecutors did not think so. Two more degrees of aggravation are still to be enumerated. At the following Assizes, the case was not brought to trial, but was removed by *certiorari* to the civil side; by this process time was gained, the torture of suspense, and the fear of aggravated expenditure were superadded. Lastly, application was made (and refused, I am happy to say) to the Court of King's Bench, a few days ago, for a rule to change the venue, on the plea that an impartial Jury, Special or Common, could not be had in the large county of Lincoln, to try the matter at issue between the Corporation of Boston and the petitioner, Charles Frederick Barber. Now, Sir it is, natural to inquire who is Mr. Barber? Hon. Gentlemen will suppose that he must be some person of great wealth and influence whose consequence has rendered him an object of jealousy to a public body controlling great public resources, and wielding Magisterial authority. Mr. Barber must be the patron of the anti-corporate party. The man against whom, not the whole force of the law alone, but that more tremendous engine—the law's delay—has been employed, must at least be wealthy! No such thing, Mr. Charles Frederick Barber, the object of this long-spun prosecution, is a poor lame tailor with a large family (I believe three children), and possessing nothing in this world but his industry wherewith to feed and clothe them. His goods were distrained for the payment of the penalty of 20*l.*, but released by the kindness of his friends. This petitioner, therefore, humbly prays your hon. House to take his case under your serious consideration, and in your proposed enactments on the Law of Libel, as in the reforms which you are about to enact in municipal institutions, to take especial care to enact such laws as shall prevent the officers and members of the Body Corporate of this borough, and other public bodies, from expending the funds with which they are intrusted in bribery and corruption at elections, or in the prosecution of individuals opposed to them in politics. And that a Committee of your hon. House be appointed, or a Commission sent down into this borough, to investigate and examine evidence on the spot as to the abuses of the Corporation officers. Sir, I stand not here to call upon this House to interfere between individuals struggling before the legal tribunals; my object is not to screen from just and adequate punishment any man, be he rich or poor, who may have offended against the existing laws; but I feel it to be my duty to expose, in its true colours, a case, in which the authority of a powerful institution appears to have been prostituted, and the discharge of Magisterial functions to have been tinctured with feelings of a vindictive and malignant nature. This is no squabble of individuals. It is here stated, and I believe correctly stated, that these prosecutions are supported out of the corporate funds. It could never have been the intention of the donors that their benefactions should be so employed. This is not a case of individuals, for it is well known, that a body, in which there is a divided responsibility, will in many cases adopt measures which no individual of that same body would venture to pursue singly. It will not now be said, that Corporations are authorised to hold property as an individual, and to apply it to purposes having no sort of reference to their Charter. But suppose a divided interest in a Corporation, is a majority to make such extraneous application as to deprive the minority of all advantage whatever to be derived from property which all hold in common? Towards the Corporation of Boston, individually, I have no feeling of hostility; for one Member of it I entertain the highest respect,from him I acknowledge with pleasure to have received essential obligations; he, I am sure, never concurred in these harsh measures. But, Sir, in my mind, the case of this petitioner affords a strong illustration of the injuries done to individuals and to communities by combinations authorised by law; consequently, an undeniable proof of the defective state of the law. But is the mischief confined to individuals or to small communities? Or does it affect the condition of the public weal by corrupting the source of legislation? Does it not strike at the root of purity of elections?—and have not these combinations, by corrupting the Legislature, brought this country into a state of debt and difficulty of which no man can say what will be the termination? In vain has the Reform Bill been passed, in order to secure purity of elections, if the sources from which corruption flows remain unchecked; if the instruments by means of which the legislative powers were formerly usurped are still to retain full force and vigour; if patronage shall continue to lure the Alderman, and the Alderman have still corporate powers wherewith to corrupt the burgess to yield obedience, or means to corrupt him at the public charge; if party feeling and private interest are still to control the appointment to petty offices, the distribution of public charities, and the administration of public justice, then is that great measure, for which the people have done and suffered so much, a mere dead letter. As long as these practices shall continue, so long will the measure of Reform granted be unsatisfactory; it will be justly so, for it is incomplete, and will every day be less effective. It is to be deplored, that there is but too much disposition in these days to hold the constituted authorities in contempt. When such things are, as those which I have related, it may be matter of regret; but it can cause no surprise. When authority, when the powers confided by the law for the benefit of the people, is converted into an engine for oppressing them; when all sense of due proportion between crime and punishment gives way to feelings of political and private rancour; when the poor man is pursued, persecuted by a body of men, separated and segregated from the people, armed with privileges to sit on the vantage ground of the judgment seat for their protection; when the constituted authorities by their conduct merit contempt; then is this House imperatively called upon to examine, investigate, and interpose, that it may in the time of need rescue the laws from abuse, the people from oppression. It gives me great satisfaction to hear, that the Committee on abuses of Corporations have recommended, and that it is the intention of his Majesty's Ministers to appoint a Commission for the purpose of inquiring into the practices of those bodies.

Mr. *Wilks* supported the prayer of the petition, and expressed a hope, that when the question of Corporations was brought before the House, it would not forget the case of Boston, and of the unfortunate Barber.

CLAIMS ON THE DANISH GOVERNMENT.] Mr. *Parker* presented a Petition from the Corporation of Cutlers in Sheffield, setting forth that they, in common with others of his Majesty's subjects, had sustained great loss in consequence of the confiscation, several years ago, of property to a large amount by the Danish government, which belonged to British subjects. The hon. Member, in laying that petition before the House, pressed upon their attention the oppressive and unjust conduct of the Danish government, and their utter disregard of those principles which had hitherto regulated civilized warfare. But the petitioners had also a strong claim on our Government, arising from the fact, that our Government had confiscated 1,200,000*l.* of Danish property, a part of which ought to be appropriated to pay the petitioners. Protection was due from the British Government to every member of the British nation, at home and abroad; and he was sure there was no expense to which the nation at large would more cheerfully contribute than that which relieved their fellow-countrymen from the injustice, however provoked, of a foreign power.

Mr. *Buckingham* supported the petition. The claim was only for 100,000*l.*, and that was not one-tenth of the sum received as droits of Admiralty by the Government on Danish property.

The Debate was adjourned.

QUALIFICATION UNDER THE REFORM ACT.] Colonel *Evans* would not occupy much of the attention of the House on the present occasion. The object of his Motion was, to repeal the proviso in the 27th clause of the Reform Act, relative to the payment of rates and taxes as a qualification for exercising the elective franchise. The effect of that clause, which was a very short one, had been, as he was informed, to disfranchise not fewer than 300,000 voters all over the country. In Westminster it was expected that the number of voters, under the Reform Bill, would have been from 18,000 to 20,000, but, in consequence of the proviso in question, he believed they did not exceed 6,000, 4,600 being the largest number polled at the two last contested elections. He thought the clause highly objectionable, inasmuch as it tended to limit the constituency, the number of voters under a 10*l.* franchise subject to this qualification not being greater than it would have been under a 20*l.* franchise. Government originally proposed the payment, not only of rates and taxes but of rent, as a qualification for voting; but the payment of rent was abandoned at the instance of the opponents of Reform, although he thought Ministers had quite as good a right to require rent to be paid as to insist upon the payment of rates and taxes. He, however, objected to the existence of any such qualification, the only effects of which were improperly to limit the constituency, and open a door to corruption. Hundreds and thousands of voters had had their rates and taxes paid for them by candidates; in fact, he believed there had been as much corruption at the last as at any previous general election. One of the evils of the clause was, that it gave an undue power of interference to the collectors of rates and taxes, who were persons likely to interest themselves in election tactics. Upon every ground of expediency and justice he objected to such a qualification. The hon. and gallant Member concluded by moving for leave to bring in a Bill to amend so much of the Reform Act as related to the payment of rates and taxes as a qualification for exercising the elective franchise.

Lord *Althorp* wished to abstain from making alterations in the Reform Act during the present Session, and until the working of the approaching Registration should be observed. The object of the clause to which the hon. and gallant Member objected was to afford a satisfactory proof of occupancy. He was aware that, at the last election, its effect had been to restrict the exercise of the elective franchise more than was intended or expected; but he thought that objection would not apply to the next Registration. It was partly owing to the mode of collecting rates, and partly in consequence of the carelessness or imperfect information of electors, that the constituency had been so limited under this clause; but neither of those causes were likely to operate again; and he did not think that, in the Registration about to commence, there would be found that diminution of voters in consequence of non-qualification of which the hon. and gallant Member complained. The hon. Gentleman stated, that hundreds and thousands of voters had had their rates paid for them by candidates; he (Lord Althorp) was not at all aware of that, and thought that the hon. and gallant Member's information on the subject was fallacious, or greatly exaggerated. Under the former system rates could be paid at the time of polling, which was evidently encouragement to corruption; but now that taxes were required to be paid by a certain day distant from the time of election, a material obstruction was thrown in the way of bribery. He apprehended, even taking the hon. Member's statement as to what had occurred at the last Registry to be correct, that a similar result would not occur at the next Registry. The object of the clause which the hon. Member now sought to alter was, that the occupiers of 10*l.* houses claiming a right to vote therefrom, should be *bonâ fide* the occupiers of such houses. Whatever might be the amount of qualification giving the elective franchise, it would be admitted by every one, that precautions should be taken so as to prevent the privilege from being acquired by fraudulent means. Now, the object of this clause was, to prevent persons who pretended to occupy a house of a certain value, which it was not, from acquiring the right of voting. He felt bound, from experience of the working of the Bill in this respect, and upon general principle, to oppose the Motion of the hon. Member.

Mr. *Hume* was sorry that the noble Lord was opposed to this amendment of the Reform Bill. If, as the noble Lord admitted, the effect of the clause in question had been to limit the constituency, and as, of course, the noble Lord's object was to enlarge the constituency, he was surprised to find the noble Lord oppose this Motion. He understood the noble Lord to say, that he would agree to this alteration next year.

Lord *Althorp* said, he intended to propose other alterations, but not this one, in the Reform Bill, in the next Session of Parliament.

Mr. *Hume* regretted that this alteration was not to be included amongst the intended amendments. During the Marylebone election he had himself seen several letters to one of the candidates from electors, who stated, that circumstances of a temporary nature had prevented them from paying their rates, but that if he would assist them in doing so they would vote for him. Such a clog should not be imposed on the right of voting. If a man possessed a house of the *bonâ fide* value of 10*l.*, that ought to be sufficient security to give him the privilege of voting, and the payment of taxes should not be at all taken into account. When this part of the Reform Bill was under discussion, he (Mr. Hume) opposed it, and he was informed at the time that this payment of the rates, as a condition prior to voting, had been for years the fruitful source of bribery and corruption in Westminster. As an election was likely to take place in the course of the next year, it was most important that they should adopt this alteration, in order to increase, instead of diminish, the number of electors, as the clause as it stood was calculated to do.

Colonel *Evans* replied. He had heard no satisfactory reply from the noble Lord to the objections which he had stated to the clause referred to in the Reform Bill. The conduct of his Majesty's Ministers, in resisting this Motion, was not calculated to increase their popularity in the country. He felt compelled to go to a division on the Motion.

The House divided on the question, that leave be given to bring in the Bill: Ayes 27; Noes 84—Majority 57.

List of the AYES.

Barron, W.
Bish, T.
Blake, J.
Buckingham, J. S.
Butler, Colonel
Evans, Colonel
Fenton, J.
Fielden, J.
Fitzsimon, C.
Fryer, R.
Gisborne, T.
Hume, J.
Molesworth, Sir W.
O'Connell, D.
O'Connell, J.
O'Connor, D.
Parrott, J.
Pease, J.
Philips, M.
Pryme, G.
Rippon, C.
Ronayne, D.
Ruthven, E.
Tennyson, Rt. hon. C.
Vigors, N.
Warburton, H.
Williams, Colonel

CORN LAWS.] Mr. *Fryer*, after presenting a Petition from the inhabitants of Wolverhampton, praying for a repeal, or at least considerable alteration, of the Corn-laws, proceeded with his Motion for leave to bring in a Bill to alter and amend Act 9, Geo. 4th, c. 60, commonly called the Corn-law. The hon. Member, in doing so, observed, that this was a far more important measure than any which had been brought forward by his Majesty's Ministers; it was a measure that regarded the support and maintenance of the people of this country. What was it he wanted? What did he aim at? His object was, to procure sufficient employment and sufficient food for the people of this country. Radical reformer as he was, that was all that he aimed at. He did not seek to pull down the aristocracy, or to dethrone the King; all that he aimed at was, to obtain for the people employment and bread, and he wished to effect that object by repealing one of those bad laws which had been made in that House by a landed oligarchy in despite of the people. His end was good. Now, what were his means? His means were honest. He wished to abolish all monopolies, and, first and foremost, that, without the repeal of which nothing else would avail—the monopoly of food, the monopoly of labour—by repealing the Corn-laws. The repeal of taxes, such as the House and Window-tax, would do no good unless the Corn-laws were repealed. The Corn-laws prevented us from exporting our manufactures to corn-growing countries in exchange for their corn, and limited our consumption of corn. The opening the trade to China would only render tea cheaper, it would effect no other good, as we could not send manufactures there: but we could send our manufactures to corn-growing countries if we were allowed to take their corn in exchange. What was the nature of slavery in the West Indies? There the slaves were forced under the fear of the cart whip to labour for the advantage of their masters. The white slaves in England were forced to labour for the advantage of their landlords, who had made wicked laws, like the Corn Bill, to compel them to do so. In the year 1815, when that bad Bill was brought forward, it was opposed by Lord Grenville on the principles of justice, though Lord Grenville was a Tory. And there were Tories now a-days; but what were they? They glorified Pitt, but knew not how to imitate him. Expediency was their motto. They were all their lives voting against emancipation, like the right hon. Baronet, the member for Tamworth, when all on a sudden they veered round, and voted for it. Why? Because it was expedient. The same with Reform. They had always opposed Reform; but in one day turned round and were ready to vote for it, and upon the same plea, namely, that it was expedient. Oh! these were bastard Tories, born on a dunghill. The right hon. Gentlemen opposite had no occasion to laugh at the Tories. They were themselves degenerate, apostate Whigs, possessed of no statesmanlike principles; who, having been borne into office on the shoulders of the people, had since deserted the popular cause; ingrates, who had kicked down the ladder by which they had mounted to power, alike dishonest to their friends and enemies to themselves. Taxes should be placed upon fixed property, and not upon the backs of the people, until the last feather broke them. On what ground, he would ask, did the landlords call for protection? He would denominate the protection which they got nothing but robbery. One pretence for this law was, that it gave remunerating prices to the farmer and encouraged agriculture. He was as anxious as any one could be to encourage agriculture; but he would contend that this law did no such thing; it merely rendered the farmer a conduit-pipe to put greater profits in the pockets of the landlords. The farmers were rendered by this law mere serfs and vassals, and sponges for the landlords to squeeze. It was said, that the farmers suffered from the pressure of the Poor-rates. Who caused the Poor-rates? [An *Hon. Member:* "The Manufacturers"].No, it was the landlords who caused the Poor-rates; by their exactions they prevented the farmer from cultivating and manuring his farm; they ate up his capital, and in that manner brought him to starvation. The landlords asserted, that heavier taxes were imposed on them than on the inhabitants living in towns. Even if that was the case, which it was not, it ought to be so. They had no right to pay the interest of the debt by taxes on labour. Such taxes should be laid on the property of the country. He was not one of those who would take off taxes so as to violate the public credit, or so as to prevent the Government from doing all the good they could; and he would therefore say, tax all the luxuries of life—tea, coffee, sugar, tobacco, &c., but let the people have their labour free, and get in exchange for it cheap food; tax those luxuries, but let the industrious have cheap bread. The price of food affected the manufacturers because the master could not afford to give the same wages for ten hours of labour as he could for sixteen hours, and therefore the labouring classes were obliged to work the greater number of hours, in order to maintain themselves and families, and without which excess of labour it was impossible for the manufacturer to compete with foreign countries. When the abolitionists came to ask him for his support, he had asked them, whether they would do away with the Corn-laws? They told him they did not understand the question. "Then away with you," cried he. He, however, wished to make friends, and he would ask those who cried out for the abolition of slavery, and had crossed the Atlantic to find it, to look at home, and endeavour to free the white slaves in England; he could assure them, if they did not vote with him to-night, the people of England would say that all their zeal and exertions to accomplish the abolition of negro slavery were based in cant, and (he would add) hypocrisy. The Cotton Lords, too, instead of asking for delay with the Factory Bill, for which he would vote, in order to rouse them, ought to come forward, and boldly and stoutly demanda repeal of the accursed Bread-tax, and also the repeal of all taxes upon raw materials of manufacture; he should vote for the Factories Bill, in order to compel the Cotton Lords not to grind down the labourer. The repeal of the Corn-laws would work beneficially for the interests of the country, by effecting a rise in the price of corn in other countries, and thereby disable them from competing in manufactures with this country, or at least would bring them to the same level. There were some who cried out for emigration, and said, that emigration was good, because it enabled people to live abroad who would starve here, and leave a plenty for those who remained behind; and the best of our workmen accordingly left us; but, he would say, instead of sending them abroad in search of food, let them stay at home and import it, in spite of all the boroughmongering landed oligarchy. Let the funded interest look about them too, if this 20,000,000*l.* for the Colonists be added to the funded debt, for it was a debt that would taint the whole, and would be sponged off with the rest. As for the Ministers, they did not seem to know what they were about, the noble Chancellor of the Exchequer could not tell one day what he meant to do the day after. "Oh! there must not be this vacillating; it will never do." As to the Corn-laws, their continuance on the present system would ruin the farmers, and, eventually, the landowners; and these richly deserved it. The noble Lord had all but called the hon. member for Whitehaven a rogue; but the noble Lord was to do something like what was proposed by that hon. Member. This looked something like the Barringtonian method. Ministers looked upon this question as upon others—as Basil Hall went to America—with one eye; and here he would repeat what the Massachusett farmers said to Basil Hall, "that the English landed interest were killing the goose for the sake of the egg." If he was asked who were the greatest enemies to the important interests he had mentioned, he would point to those now occupying the Ministerial bench, because they went with the oligarchy in supporting and keeping up this unjust tax, and the consequent cruel and baneful monopolies. If he spoke to Christian men, he need not say more; the justice of his cause was as immutable and unchangeable as the heavens themselves. But before he sat down, he must say a word or two to his Majesty's Ministers. Some time ago they had agitated the country from one end to the other—they had indirectly, if not directly, encouraged Political Unions—had advised the King to dissolve the Parliament—had told the Bishops to put their house in order—and, to crown the whole, they had (to use the slang term of the day) swamped the House of Peers. For what had all this been done? The Government had answered, "why, for Reform." But he begged to ask where the Reform was, or in what it consisted? Surely there was no Reform in the Irish Coercion Bill? There was no Reform in the Irish Church Temporalities Bill; in short, there had not been a single measure brought forward that would benefit the people of England. The expediency-Tories were laughing, jeering, and sneering at their adversaries opposite, and crying out to them "that they had got the Bill, the whole Bill, and nothing but the Bill." True it was, that the people had got "nothing but the Bill." The noble Lord opposite (Lord John Russell) had himself admitted the other night that he had abstained from bringing forward certain measures, dear to his heart, because he was afraid of a collision. This statement he (Mr. Fryer must say was not statesmanlike. The noble Lord ought to bring forward these measures even in defiance of the House of Commons, and then, if that House should refuse to do justice, it would be open to the noble Lord to appeal to the people by a dissolution. That would be the truly fair course, and it must come to it. There was now, it was well known, a strong impression abroad that affairs could not remain as they were at present, great apprehensions were entertained of a great and sudden change. The country stood now, as it were, upon a Vesuvius, and there must either be Reform or Revolution. He sought by his present Motion, which was for leave to bring in a Bill to amend the Act 9th George 4th, c. 60, commonly called the Corn-Law, to return back to the system which prevailed in the year 1791, when the country flourished and prospered. At that time, when the price of wheat was between 50*s*. and 54*s*. the duty per quarter was only 2*s*. 6*d*. He should hope the noble Lord opposite (Lord Althorp) entertained something of the same opinion on this subject as himself, at least he was sure that the right hon. Gentleman the Vice-President of the Board of Trade ought to do so, for if he (Mr. Fryer) had read the right hon. Gentleman's speech correctly, he had at Manchester hoisted the flag of free trade.

Lord *Althorp* thought, that the question having already been fully discussed during the present Session of Parliament, it was not now necessary to enter into another discussion upon it, particularly as the hon. Gentleman must be aware that the ground of the former decision of the House upon the Motion of the hon. Gentleman's colleague was not a direct rejection of the Motion, but merely that at the present time it was not desirable to enter into it. He was ready to tell the hon. Gentleman, that his (Lord Althorp's) own opinion accorded with many of the statements which had been made by the hon. Gentleman, but he differed from him in the mode in which he proposed to deal with the subject. He (Lord Althorp) considering the quantity of business still before the House, and the advanced period of the Session, could not think it convenient to enter into a discussion of this question, and the more so because at present, as the hon. Gentleman well knew, there was no immediate necessity for legislative interference in this respect, but, on the contrary, the manufacturing districts were admitted to be in a much better situation at present than the agricultural districts, and therefore the question did not seem to press so much as the hon. Gentleman inferred. Under these circumstances, he should not now enter into any argument on the topics introduced by the hon. Member, but should do that which he had done on a former occasion when the question was introduced—namely, move the previous question.

Mr. *Hume* thought, that many of the topics which had been urged by the hon. member for Wolverhampton were well worthy the attention of the House and the Government. The real question was, whether it was fit that the people of England should get their food as cheaply as possible and be fully employed. The present system effected neither, and he agreed with the hon. member in thinking that a change would effect both those objects. Was the present system of injustice to continue until the next Session, or was the Legislature to perpetuate the misery and starvation arising from the existing law? It ought not to be. He concurred with the hon. member for Wolverhampton (Mr. Fryer) in thinking, that the present system would ultimately ruin the landholders. If they wished to persist, he (Mr. Hume) cared little if they were ruined, and in that respect they might have their own way. But this question affected other parties besides the landed gentry, and whom it was the duty of the Government to protect. He could not help thinking that the landed proprietors ought themselves to be the first to advocate a change in the system, the abolition of which would give renovated vigour to all the interests in the country. In every point of view he could not but express his opinion, that no subject could more deserve the attention of the Government, and that six weeks of the present Session would have been much better employed on this subject than in discussing the Irish Coercion Bill. The greatest measure of relief to the country that the Government could take up was the opening of a free trade in corn, which, instead of injuring, would really be productive of good to the landed proprietors, would increase the revenue, and generally benefit the whole community. He, therefore, could not understand how the noble Lord opposite could satisfy himself by a postponement of the question for another year, and particularly at the present time; when the manufacturing population were not in deep distress and up in arms, afforded a most fitting opportunity for a discussion. He with pleasure supported the view of the subject taken by the hon. Member who had brought forward the Motion, and only regretted the Government should not now meet the question.

Colonel *Wood* said, it appeared that with the hon. member for Middlesex, it was a matter of utter indifference whether the landlords and agriculturists were ruined or not. He was glad the noble Lord had not taken the advice of the hon. member for Middlesex, and foreborne from going into an inconvenient discussion on the subject. He was quite sure that if the six weeks employed on the Irish Coercion Bill had been employed on the Corn Question, the result would have been a Report from the Committee that the present Corn-laws gave to the grower and the consumer the fairest price that could be established for the interests of both. The law as it now stood was not originally adopted by a willing House of Commons, but had emanated from the distress in which both the manufacturers and the agriculturists were involved, and this circumstance forced Gentlemen on both sides of the House to unite in placing the question on its present basis. He was sure that the landed interests were quite as much identified with the lower orders of the people as the manufacturers. The hon. Gentleman who brought forward the Motion charged the agriculturists with being the cause of dear bread, but he admitted that the manufacturers worked the children in their factories sixteen hours a day. He would say, let us adhere to the adage, "Live and let live." Convinced he was, that so far as regarded rents, the agriculturists did not look to the Corn-laws to keep them up. If the whole rental of the country were abandoned to-morrow it would not make a difference of 1*s.* in the price of wheat. He wished that his Majesty's Ministers were in a situation to go fully into the question, for at present the non-settlement of it threw doubts upon the relations between landlord and tenant. As, however, they were not in such a situation, he would vote for the Amendment.

Mr. *O'Connell* said, that the hon. and gallant Member misunderstood what had fallen from the hon. mover in reference to factory children. That Gentleman had expressed his determination to vote for the Factory Bill, though one of its effects was, to diminish the amount of wages. That Bill was undoubtedly called for by humanity, although it must be admitted, that the parents of the children would not have their condition much improved by it. But still it was necessary, and he hoped it would speedily be carried. Surely, if any thing ought to be free from a tax, in a manufacturing and industrious nation, it was food; and it was in consequence of its being taxed, that children were obliged to work sixteen hours a-day. He, for one, entered his solemn protest against any measure tending to make food more dear, and on that account would support the Motion.

Major *Handley* said, that if the Corn Laws were as disastrous in their effects as they were described to be, they ought to be instantly repealed; but he should be prepared to show, whenever the proper time came, that the effects of those laws were very much misunderstood. He deplored very much the jealousy which was getting up between the different classes, which could only be injurious to both. For the agriculturists, he claimed a protection commensurate to the heavy burthens which were laid on the landed interest; and he was sure, whatever the manufacturers might suppose, that the ruin of the agriculturists would be the annihilation of their own hopes. He wished the manufacturers to look to the home market. There was a time when the use of tea, and sugar, and fine clothes were unknown, but they were now found in every cottage in the country. The farmers formerly spun and made their own cloth, and went without these luxuries, and probably were as happy then as now; if they were to return to their former habits, it was not for him to say who would be the principal losers. If the Legislature relieved the farmers from the Poor-rate, which, in 1792, was 2,000,000*l.*, and was now 9,000,000*l.*, and from the national debt, the interest of which was then 10,000,000*l.*, and was now nearly 30,000,000*l.*, he should most readily consent to a complete free trade in corn and all other things.

The Earl of *Darlington* regretted, that the noble Lord (Lord Althorp) should have deprecated discussion, should have proposed no measure to amend the laws, and yet should have stated that those laws wanted amendment. Such conduct could only have the effect of unsettling the public mind. At present, no contract could be made about land, no farms could be let, no land could be bought or sold, because the question was in an unsettled condition. He conceived that the present Corn-laws were the best possible for the farmer and for the consumer; but if they were to be altered, the sooner that were effected the better. He hoped that the noble Lord would propose the alteration which he thought necessary, and not leave people continually to expect an alteration which never was made.

Lord *Althorp* never said, that he meant to make any alteration. He had merely admitted, in reply to the hon. member for Wolverhampton, that these laws were not the best possible.

Colonel *Evans* said, the Corn-laws were a monopoly of the worst description, and he could not understand how any Administration which advocated free trade, could keep up that monopoly. They were about to open the trade to China, why not open the Corn monopoly. He thought this a very good opportunity for making the alteration; for, by letting the Colonies send all their produce here, we might make some abatement in the 20,000,000*l.* it was proposed to grant them.

Mr. *Mark Philips* thought, as respected the end of the Session, that this was not a favourable opportunity for making the present Motion; but, as respected the full employment of the manufacturers, it was a most favourable time to alter the Corn-laws. It would be far better to do it, when the manufacturers were employed and contented, than to do it under the pressure of their great distress. He would not then enter into the subject; but he could not avoid making an observation or two. For example, he put it to Gentlemen to consider for one moment what would have been the state of the hand-loom weavers in Lancashire at this time, if the Corn trade had been thrown open, and kept open since the peace? It was plain, that there would have been a steady demand for the produce of their labour to pay for the foreign corn, and they would have been much better off than they now were. If that market had been established, they would have been continued in employment, and they would not have had the mortification of seeing the raw material—for he could call cotton twist nothing but the raw material, it having undergone only one operation—exported, instead of the produce of their labour. With free trade in corn, cotton cloth, and not twist, would have been exported. That was a view of the question which was of great importance to these people. He believed, that when it was closely examined, it would be proved that the present system was the worst possible. We could not wholly dispense with foreign corn, but instead of obtaining a ready supply by means of our cotton goods, continually exported, whenever it became necessary to buy foreign corn, gold had to be sent out of the country in the first instance. The exchange went against us, and there immediately ensued a risk of a panic. He had seen only one, but that was a time which he never wished to see again. It was necessary to keep a supply of precious metals, but there was great danger of that supply being diminished under the present system; whereas, if there was a regular trade in cotton and corn, the deficiency of a harvest would occasion no such evil consequences. The landed Gentlemen spoke as if they bore all the burthen of the Poor-laws. That he denied. The large manufacturing towns absorbed a large part of the surplus population of the country, and when that population was not employed, the town people had to support it. He believed, that the manufacturing community with which he was connected, supported not less than 40,000 natives of the sister kingdom. He was quite ready to go into an investigation of the subject, and he regretted that it had not been brought forward at the time when a subject of far less interest, the Coercive Bill for Ireland, occupied the attention of the House. They might then have had time to do an act of justice to the country, and till that was done, till the Corn-laws were repealed, all the reductions in expenditure which could be made, all the reductions of taxation possible, would give the country no relief.

Mr. *Pease* did not defend the Corn-laws on principle, but he was satisfied that the present was not the proper time to alter them. He was connected with both manufacturers and agriculturists, and he was convinced, that his manufacturing constituents were assured, that if they crippled their agricultural neighbours, they would cripple their best customers. They were also assured, that if the Corn-laws were repealed, it would not be one part only of the land which would go out of cultivation, but the whole. If the manufacturers were willing to take upon themselves the whole burthens of the landlords, they might open the Corn trade; but unless they were willing to do that, to open the trade, to allow of importation, even at a low rate of fixed duty, would not destroy a part of the agricultural interest, but the whole. Till the manufacturers were ready to take upon themselves all the burthens of the landed interest, the protecting duty must be continued.

Mr. *Whitmore* said, that he would support the Motion on this ground, that if the Motion were carried, and a Bill brought into the House, they would then be able to say what alteration could be effected in the present system of Corn-laws. He would have contented himself with this declaration, had it not been for the extraordinary conclusions at which the hon. member for Durham (Mr. Pease) appeared to have arrived. He (Mr. Whitmore) denied the accuracy of those conclusions, contending, that if the trade in corn were to be thrown open, very little of the land, if any, would be thrown out of cultivation. The Corn-laws were greatly injurious to the agriculturists themselves, and, if repealed, a greater impulse, he contended, would be given to the manufactures and general commerce of the kingdom, and consequently greater prosperity to the agricultural interest. They rested, in fact, on no solid foundation in reason. He had so recently, however, discussed the merits of the question, that he would not now take up the time of the House by making any further observations on the subject.

Mr. *Benett* said, that to have an open trade would lower the price of corn in the first instance, then the land would go out of cultivation, then would come scarcity, and then there would be a famine price. Under the free system, the people would be continually exposed to fluctuations—one year starving, and the other rioting in abundance; one year the manufacturers would be plunged in the deepest distress, and the next the agricultural labourers would be out of employment. A free trade in corn would not be advantageous till there was a free trade in every thing else; and though a good deal was now said about free trade, there was in fact no such thing known. Some persons said, it would be desirable to have our population crowded into workshops. He did not think that; he desired to see the present mixture of manufacturing and agricultural pursuits, and he thought the Legislature ought to maintain it. He could say, that at present, the manufacturers were flourishing, which showed that they were not starved by the Corn-laws. If they did not get adequate wages, that was owing to the avarice of their masters. The agricultural labourer now got good wages, and had not been so well off for thirty years. He had made these observations only to show, that the Corn-laws did not, as was said, starve the people.

Mr. *Leech* said, that he had never raised his rents for upwards of forty years, and that they were not so well paid now as formerly. This he mentioned to show the "great advantage" he derived from the much-talked-of monopoly of the Corn-laws. He presumed that other agriculturists were enjoying the same beneficial effects from it. He could not, of course, know what proportion the rents of others bore now to that which they did in the first period. He knew, too, that many respectable tradesmen of the different towns in his neighbourhood complained most bitterly, and most justly, of the very high prices of corn during the extravagantly dear times; but when corn afterwards fell to ruinously low prices, those very gentlemen assured him that they suffered greatly from being thereby deprived of the custom of their best friends.

Mr. *Aglionby* would support the Motion, as it did not go to put an end to the Corn-laws, but only to modify them. Certainly the present laws had been intended to protect the agriculturists, and in that light they had failed.

The House divided on the Motion: Ayes 47; Noes 73—Majority 26.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Bish, T.
Brotherton, Joseph
Buckingham, J. S.
Buller, E.
Collier, J.
Colquhoun, J. C.
Cornish, James
Evans, G.

Evans, Colonel
Ewing, James
Fielden, John
Forster, Charles S.
Gaskell, D.
Grote, George
Hawkins, J. H.
Hill, M. D.
Hornby, E. G.
Hughes, Hughes
Hume, Joseph
Ilyett, W. H.
Kennedy, T. F.
Lloyd, J. H.
Lushington, Dr. S.
Maxwell, Sir John
Morrison, James
Philips, Mark
Potter, Richard
Oswald, R. A.
Richards, J.
Rippon, Cuthbert
Romilly, Edward
Ronayne, Dominick
Ruthven, Edward S.
Scrope, Poulette
Sharpe, General
Strutt, E.
Scholefield, J.
Sheppard, T.
Thicknesse, Ralph
Whitmore, W. W.
Wedgewood, J.
Wallace, Robert
Whalley, Sir S. B.
Walker, Richard
Williams, Colonel
Wallace, Thomas

TELLERS.
Fryer, R.
Warburton, Henry

OBSERVANCE OF THE SABBATH (SCOTLAND.)] Sir *Andrew Agnew* moved for leave to bring in a Bill, or Bills, to amend the laws relating to the Observance of the Lord's Day in Scotland.

Lord *Althorp* did not object to leave being given to bring in the Bill, but advised the hon. Member not to press it, as it would be utterly impossible to get through the subject this Session.

Mr. *Hume* thought it a pity to waste the time of the House by bringing in a Bill on this subject at this period of the Session, nor did he see why they should legislate on this subject expressly for the people of Scotland—why should there not be one law for both countries?

Mr. *Andrew Johnstone* said, the hon. member for Middlesex appeared to think that any measure brought in for England might be applied to Scotland, but he would inform the hon. Member, that the Bill which had already been thrown out did not go far enough for the people of Scotland. He knew the feelings of the people of Scotland; and he hoped the hon. Baronet would take high ground.

Mr. *Rigby Wason* said, it was impossible to consider the subject satisfactorily this Session; and he hoped the noble Lord's good nature would not induce him to permit the time of the House to be wasted by the introduction of a measure of this description.

Mr. *Estcourt* thought it would be hard indeed upon the hon. Baronet, who had taken so much time and pains to make himself acquainted with this subject, to refuse him an opportunity of having his Bill discussed, unless, indeed, they were resolved to adopt the same course in all similar cases. He trusted the noble Lord would not allow himself to be influenced by the statements of hon. Members; but allow the Bill to be brought in and receive a fair discussion.

Mr. *Pryme* did not think it desirable that there should be any variation between the laws for England and Scotland in this particular.

Mr. *Cumming Bruce* said, he had seconded the Motion of his hon. friend without pledging himself as to its details. He confessed, however, that he was surprised at the course taken by the hon. member for Middlesex, which, after all, was *vox, et præterea nihil.* That hon. Member should bear in mind, that however he might have been opposed to the hon. Baronet's Bill with respect to this country, the people of Scotland were of a different religion, and were governed by a different ecclesiastical law, and that therefore those regulations which might be inexpedient here, might be very wise and effective in that country.

Mr. *Potter* said, that the hon. Member opposite (Mr. Johnstone) had said, that the Bill formerly introduced by the hon. Baronet did not go far enough for the people of Scotland, and they all knew what sort of a Bill that was, and how it was received both in doors and out of doors. From this statement, the House might judge what sort of a Bill the hon. Baronet proposed to introduce now.

Sir *Andrew Agnew* said, he did not wish to introduce a new law, but to amend existing laws.

The House divided: Ayes 73; Noes 60—Majority 13.

List of the Noes.

Aglionby, H. A.
Attwood, T.
Barry, G. S.
Benett, John
Bish, T.
Blake, J. M.
Buckingham, J. S.
Chapman, M. L.
Chaytor, Sir W.
Childers, J. W.
Collier, J.
Cornish, J.
Davies, Colonel
Evans, Colonel
Evans, G.
Ewart, W.
Fielden, J.
Finn, W. F.
Fitzsimon, C.
Fitzsimon, N.
Grote, G.
Hawkins, J. H.
Heathcote, J.
Hill, M. D.
Kennedy, T. F.
Lalor, P.
Lamont, N.
Lloyd, J. H.
Lynch, A. H.
Maxfield, W.
Maxwell, Sir J.
Morrison, J.
Mullins, F.
Ord, W.
Oswald, R. A.
Parrott, J.

Perrin, Sergeant
Peter, W.
Philips, M.
Potter, R.
Pryme, G.
Rickford, W.
Rippon, C.
Roebuck, J. A.
Romilly, E.
Ronayne, D.
Ruthven, E.
Ruthven, E. S.
Scholefield, J.
Scrope, P.
Sheppard, T.
Strutt, E.
Thicknesse, R.
Walker, C. A.
Wallace, R.
Warburton, H.
Ward, H. G.
Williams, G.
Williamson, Sir H.

TELLERS.

Hume, Joseph
Wason, R.

Leave given.

PRISONERS IN CORK GAOL.] Mr. *Ronayne* begged to call the attention of the House to a Motion which he considered of great importance. It had reference to persons who had been imprisoned for tithes. The persons imprisoned under the tithe laws at Kilmainham, Kildare, and other parts of Ireland, were allowed every possible indulgence; they were permitted to have wine and such other necessaries as they wished to procure, while those imprisoned in the gaol of the county of Cork were treated with the greatest cruelty. They were locked up in stone cells at four o'clock in the day, and treated in every respect as convict felons. One of the persons so treated was his own cousin-german. He applied to Judge Moore, by whom the parties had been tried, and that learned and humane Judge immediately applied to the Castle, and the consequence was, that the High Sheriff of the county of Cork was called upon to report upon the case. That gentleman did make his report, and the case was again referred to Judge Moore, who expressed his indignation at finding that three persons had been confined in a cell about ten feet square, and subjected to such persecution. He (Mr. Ronayne) applied day after day, to Sir William Gosset (the Lord-lieutenant's private Secretary) on the subject, until he at length gave it up from a feeling that the Government found themselves too weak to oppose themselves to the Conservative Committee of Magistrates of the county of Cork. He hoped the House would not, under these circumstances, reject his Motion for the production of the documents necessary to explain the whole of this transaction. He would mention a fact or two, which perhaps the House might laugh at, but which no honest man could fail to give weight to. The first was, that when the Sheriff and he visited the gaol, the Sheriff gave orders that the men should not be confined to their cells, but be allowed the range of the corridor) the outer door only being closed) and gave a written order to that effect. The Sheriff, on quitting the gaol, turned to him and said, "I should not at all wonder if the gaol committee should rescind that order." And what the Sheriff predicted came to pass; the order was rescinded, and the parties were driven to their cells as usual. The other fact was, that he found on inquiry, that there was not such a thing as a night-chair in the cells. He ordered one from the hotel, and the Sheriff ordered it to be placed in a separate cell; but this order, too, the gaol committee rescinded, and ordered the night-chair to be placed in the cell with the three men. The hon. Member concluded by moving for "copies of all the memorials to the Irish government from the prisoners confined in the gaol of the county of Cork under sentence of the Judges of Assize, at the last Autumn Circuit, for offences connected with tithes; and of all communications made on the subject of every such memorial by the hon. Judge Moore; and of all letters from the Irish government in reply to any such memorial to any prisoner, or to the Sheriff of the county of Cork; and of the letter or letters of such Sheriff to the Irish government on such subject; and of all communications between the Irish government and the gaol committee of the county of Cork on the said subject."

Mr. *Fergus O'Connor* said, that in seconding the Motion, he felt it his duty to say a few words, because he had acted as counsel for the accused parties. He had advised them the course which they had pursued upon their trial, but upon hearing of their sufferings in gaol, he felt it his duty to represent the case to Judge Moore, who said he would not have passed such a sentence upon them, had he known that they were to be so punished in gaol. If the Motion of his hon. friend were to be refused, he did not see how any Motion for the production of papers could be carried, and the result would be, that the magistrates of Ireland would be an irresponsible body.

Mr. *Littleton* should have no objection to the production of the documents required, as he was convinced that they would add to the confidence which the people reposed in the Government. He would, therefore, accede to the production of all the communications required, with the exception of one letter of the hon. Judge Moore, on the principle, that being on private business, it could have nothing to do with the case. If the hon. Member saw the letter, he would, he was sure, agree, that it was of no importance.

Motion agreed to.

CHURCH TEMPORALITIES (IRELAND). The House resolved itself into Committee on the Church Temporalities (Ireland) Bill.

Clause 39, as to the Archbishoprics of Cashel and Tuam, being read,

Mr. *Shaw* said, he hoped the whole arrangement with respect to the Archbishops and Bishops, would be reconsidered by his Majesty's Government; but as there was a confusion between the words Tuam and Cashel, he merely for the present suggested as a verbal Amendment, that they should throughout the clause stand, "Tuam and Cashel," as under the present arrangement, the archiepiscopal jurisdiction of Tuam was to merge in Armagh, and Cashel in that of Dublin.

Amendment adopted, and the Clause ordered to stand part of the Bill.

Clause 42, as to the rotation of Bishops sitting in Parliament.

Mr. *Pryme* rose pursuant to notice, and proposed that all the words after the words "Episcopal See," in that Clause, should be left out for the purpose of inserting the following Amendment:—"And be it enacted, that no Bishop, who was not, at the time of passing this Act, in possession of an Episcopal See in Ireland, shall hereafter sit in rotation in the House of Peers; and that whenever the number of the Irish Bishops who now possessed sees, shall, by decease or demise, be reduced to twelve, then two Irish Bishops only shall sit in the House of Peers: and whenever the number of Bishops who are now in possession of Sees in Ireland, shall be reduced to six, then one Bishop only should sit in the House of Peers; and whenever all such Bishops shall become extinct, then, that the right of all the Irish Bishops to sit in Parliament shall entirely cease; provided always, that nothing in this clause contained shall prejudice the right of an Irish Archbishop to sit in Parliament." His object was to separate the offices of politician and churchman, which were not compatible. By relieving the Irish prelates from the burthen of acting as legislators in Parliament, he felt he should be promoting their ecclesiastical efficiency, and thereby the interests of the Established Church. He framed his clause so as to preserve the existing interests of the Established Church.

Mr. *Stanley* had, on a former occasion, objected to a Motion in reference to the translation of the Irish Bishops, on the ground that such a proposition was ill-timed, as not being consistent with the object and details of the present Bill; *a fortiori* he should, therefore, object to the present Amendment, which involved a great principle, that required not only a separate, but a most serious consideration; and which, therefore, could not be properly discussed in that House unless as a distinct substantive Motion. The proposition was neither more nor less than the expelling the Irish Bishops altogether from Parliament. Now, this involved a great constitutional principle, which could not be thus introduced in a side-wind. If the circumstance of the parliamentary duties of the Irish prelates being likely to interfere with their ecclesiastical functions should be admitted to be a just ground for the present Amendment, in common fairness how could they avoid extending it to the English Bishops, and exclude them also from the Legislature? [*Cheers*]. He could not mistake the import of that cheer, and therefore begged leave not to be misunderstood. He did not mean to express any opinion on the principle involved in the hon. member's Amendment, and should not be understood as at all sanctioning it. All he meant was, that no argument held good for the expulsion of the Irish Bishops from Parliament, which would not equally apply to the English Prelates.

Mr. *Shaw* said, he could not, on hearing the amendment proposed by the hon. Gentleman, avoid turning to the order book, as he recollected that on that night week the hon. Member had a notice for a substantive Motion on the same subject standing in his name. But, strange to say, upon reference to the terms of that motion, it appeared to have for its object the removing of all disabilities that prohibited clergymen from sitting in that House. Now, he would leave it to the hon. Member to reconcile the inconsistency between that Motion and his present Amendment, the more particularly as the ground upon which he rested his Amendment that night was the "incompatibility of the offices of politician and churchman." He could not really suppose that the hon. Member was serious in his Amendment, and as he had quite sufficient to do to combat the real innovations of his Majesty's Ministers in reference to the Irish branch of the United Church, he would not waste the time of the Committee by seriously discussing the crude proposition which the hon. Member had submitted.

Mr. *Hume* said, it seemed to be admitted that the ecclesiastical duties of Bishops were interfered with by their sitting in the Legislature; but that injury would be less by their sitting only occasionally, as in the case of the Irish Bishops, than by their occupying seats permanently. The question then ought to be put—what was intended to be done? The Act of Union could not be taken to be in favour of the abolition of the ten Bishops, and at the same time construed against the abolition of them all. The Union with Scotland had never stood in the way of any improvement that was deemed necessary, and he hoped that there was no Irishman in the House who would urge the Irish Union as an impediment to improvement. The best thing for the Bishops was to place them in the best situation with their flocks, and his belief was, that the removing the Prelates from the House of Lords would do very much towards setting them right with those under their charge. If this were a good thing it were best to have it done at once; and why, if it were good, should it be postponed for years, as was now proposed? But the right hon. Secretary (Mr. Stanley) had said he was not prepared to propose for Ireland what he would not do for England. He was, however, quite ready for both. He would, therefore, only ask of the hon. Member to alter his Motion, and make the Bishops cease their attendance at once, or after the next term. It was, to be sure, only a small reform, but it was good; and if it were to be greater in future, there was nothing like a speedy beginning.

Colonel *Perceval* said, that the hon. member for Middlesex had contended, that political and religious duties could not go hand in hand. He knew well the sort of friendship the hon. member for Middlesex felt for the Established Church; but he (Colonel Perceval) viewed the hon. Member's attack upon the Irish Representative Bishops as a direct attack upon the House of Peers. It was well known that the Established Church in Ireland had no direct representative in that House. He (Colonel Perceval) meant the clergy were not represented by any one of their own body in that House; and unless it was intended to sweep away the whole Establishment, he did not know what was the meaning of this atack upon the Irish Representative Bishops sitting in the House of Peers.

Mr. *Wynn* said, this was a most serious question—for on what right did the Irish Bishops hold their seats in Parliament? Upon a solemn compact, agreed to between the two nations, when there were twenty-two Bishops holding seats in the Irish House of Peers. It was by that compact agreed that they should be represented in the United Parliament by one Archbishop and three Bishops. Others might insist that absenteeism was the great bane of Ireland, and on that ground propose that the twenty-eight temporal Peers should be reduced to sixteen, or to eight —leaving the remainder to reside in Ireland for the benefit of the country. If the one proposition were adopted, there was no reason whatever which could be urged against the other.

Lord *Althorp* would observe, that, from the arguments brought forward, this was rendered a more important question than any other connected with the Bill. It appeared certain to him that no one could argue this question upon any other principle than this—whether any spiritual Peers should be permitted to sit in Parliament at all; and to declare that they could not, would be a sweeping change in the Constitution. Every law was at present passed by the Lords spiritual and temporal and the Commons in Parliament assembled, and such had been the practice of the realm. The hon. Member had, however, brought forward this subject rather as a question of convenience than of principle; but he (Lord Althorp) could not agree to the propriety of this—for there was no one who would say, that it was improper for the Irish Bishops to sit in Parliament, if the English Bishops were permitted to retain their seats. But to effect this change would be to make an entire alteration in the Constitution; and he would ask whether it was either proper or possible that such an alteration could be made by an Amendment upon a clause in an Act of Parliament relative to the temporalities of the Church of Ireland? If such a question were to be entertained, it ought to be brought forward separately, and deliberately and attentively considered. He was sorry to find such a question at all mooted in that House; and he hoped and was confident that no such feeling was entertained as to induce a doubt whether it was the wish of the country or of the House of Commons, that the Church of England should not be represented in the House of Peers. Every one was aware of the animadversions and sarcasms which were uttered on this important subject out of doors; but he did not suppose that there was any person, acquainted with the Constitution of the country, who would wish even to attempt such a change without the most serious consideration. He should feel grieved to find a precedent of this description sanctioned by the House; and he should be most sorry to see such a motion as that of the hon. Member acceded to without a due consideration of the general principle.

Sir *Edward Knatchbull* had listened with infinite satisfaction to the sentiments of the noble Lord, who, as the organ of his Majesty's Government, had declared that the representation of the Church of of England in the other House of Parliament was an indispensable part of the Constitution [*cries of "No, no!"*] Did those hon. Members who cried "No, no!" mean to say that the Bishops did not hold their seats in the other House of Parliament by indefeasible right? By what tenure did the Irish Bishops hold their seats there? By the same tenure as the Irish lay Lords—the Act of Union. It would be impossible to deny, that Ireland would be treated with the greatest injustice, if a successful attempt were made to remove the Irish Bishops from the other House of Parliament. The Committee had been truly told by the noble Lord, that if they entertained the present proposition, they would in fact entertain the proposition that the Church of England should be altogether unrepresented in Parliament. He had been delighted with the noble Lord's distinct declaration on the subject; and he congratulated the country upon it.

Mr. *Hume*, in reply to the observations of the hon. Baronet, that the Irish Bishops held their seats by virtue of the Act of Union, observed, that one Act of Parliament was good, and ought to be obeyed, until it was rescinded; and no longer. Two Acts of Parliament had declared that Bishops should sit in the other House of Parliament. If an Act should be passed declaring that they should not sit, that Act would be as good as its predecessors, and ought to be as implicitly obeyed. The noble Lord had contended that there was no wish whatever for such a change—

Lord *Althorp* observed that what he had said was, that he was persuaded the general feeling in the country was against any such change.

Mr. *Hume* was satisfied, that ere long the noble Lord would find that he had been deceived on that point.

Mr. *Estcourt* admitted that, to a certain extent, there was such a feeling in the country as that described by the hon. member for Middlesex; but attributed it to the lessons which the people had received from most unworthy and unjustifiable instructors. With respect to the Amendment, the hon. mover of it was utterly mistaken in one respect, for he seemed to consider that the right of the Bishops to sit in the House of Peers was founded not on considerations of public good, but on personal considerations merely. That was a great error. The hon. Member proposed that the ight should cease as those who at present enjoyed it dropped off. Now he (Mr. Estcourt) agreed with the hon. member for Middlesex, that if it was unfit that the Bishops should sit in the House of Peers, the best course would be, instead of allowing them to die off, as the hon. mover of the Amendment proposed, to sweep them all away at once. The hon. mover of the Amendment treated the subject as if it were one of mere personal gratification to the Bishops themselves. Now that was not the view taken of it by the Act of Union. The Act of Union provided that the Representatives of the Irish Episcopacy should sit in the House of Peers for the public benefit, not for their own personal gratification. If the Irish Bishops were to be excluded, there could be no reason why the Irish lay Lords should not be excluded also. Perhaps the hon. Member would include them in his proposition. They stood upon an equal footing. They all sat in the House of Peers, not for their own gratification, but for the public benefit.

Mr. *Gisborne* recommended the hon. member for Huntingdon to withdraw his Amendment. Of this he was quite sure;

that by dividing the Committee upon it, the hon. Member would not do justice to himself. He himself (Mr. Gisborne), although he would not say what his opinions might be if the question were brought separately and distinctly under the consideration of Parliament, could not vote for the proposition thus irregularly introduced.

Mr. *Pryme,* as he found that the sense of the House was against his proposition being brought forward in its present shape, expressed his disposition to withdraw it.

Mr. *Shaw* said, that this discussion had incidentally taken a very serious turn, which could not at all have been anticipated from the Amendment introduced by the hon. Member. He had heard, as well as his hon. friend (Sir Edward Knatchbull) with pleasure, the distinct disavowal of the noble Lord, of the extraordinary doctrines which had been broached, with reference to the House of Lords. But he must say, that the noble Lord had not been equally explicit with respect to the new and highly dangerous construction that it was sought by hon. Members to put upon the Act of Union. He solemnly protested against the Act of Union being treated as an ordinary Act of Parliament. It had been well described by his right hon. friend (Mr. Wynn) as a national compact, and if that compact were violated, he for one, as an Irishman, independently of all peculiar or party politics, would deny the competency of any other than the original contracting parties to resettle that great question. The hon. and learned member for Dublin might well remain quiet, and rest satisfied, while English Members were doing more to promote the great object of his wishes, than any individual exertion of his own could possibly accomplish. His Majesty's Ministers were greatly mistaken, if they for a moment supposed that there was not much nationality of feeling in Ireland on this exciting subject. And he thought a more inappropriate opportunity could not have been selected by his Majesty's Ministers to evince indifference to the levity with which the Act of Union had been treated by English Members, than upon a discussion relating to the church establishment in Ireland; for he could not repeat too often that the continuance and preservation of the Irish branch of the united church, which had that night been so lightly spoken of, indeed, so openly denounced, was not only an essential and fundamental part of the Union, in the express terms of solemn compact made between the countries—but he would go farther, and say, that the maintenance of the Established Church in Ireland was, independently of that express contract, the real bond which united the feelings and the interests of the Protestants of Ireland with this country. He need scarcely say, that the Roman Catholics, almost to a man, were opposed to the legislative Union. It behoved then his Majesty's Government to take care how they estranged from it the affections of the Irish Protestants. He did not so much complain of the hasty and inconsiderate expressions that might fall in the heat of the debate from individual Members of that House—but he did feel that the conduct of his Majesty's Ministers was wholly inexcusable in allowing it to be advanced in their presence that the existence of the Established Church in Ireland depended upon a common Act of Parliament, which it was competent to the present Legislature to make or unmake at their pleasure. It was time that the members of the Established Church in Ireland, should be distinctly told whether or not that establishment was to be supported. He (Mr. Shaw) had always endeavoured openly and plainly to declare his sentiments on that all-important subject; he hoped that the noble Lord and his Majesty's Ministers would not shrink from a distinct avowal of their opinion upon a question which, though incidentally and somewhat irregularly introduced, was second to none, in its bearing upon the best interests of Ireland, and he might add of the empire at large.

Amendment withdrawn.

On Clause 45, for the reduction of the revenues of Armagh and Derry, being read,

Mr. *Estcourt* objected to those prelates having to pay over a large sum annually without reference to their actual receipts.

Mr. *Shaw* fully agreed with his hon. friend (Mr. Estcourt) that it was unfair to bring the full charge against these prelates, when possibly their rents might be in arrear. Such a mode of taxation would be considered unjust in the case of other landed proprietors. He particularly objected to this principle, as in case of his suggestion being adopted of reducing the incomes rather than the number of the other bishoprics, it might be generally applied. He had before stated that in reference to the bishopric of Derry, he considered it would be much more desirable to retain Raphoe and Derry at 4,000*l.* a year each, than Derry alone at 8,000*l.* a year. Still he felt that every justice should be done to the present Bishop of Derry, who had been appointed with an understanding that the arrangement now proposed should be carried into operation.

Mr. *Pryme* proposed an amendment, to reduce the annual value of the Irish bishoprics, on the next avoidance, to a sum not exceeding 5,000*l.*; and of Irish archbishoprics, to a sum not exceeding 6,000*l.*

Mr. *Stanley* said, he understood the object the hon. Member had in view, but he did not perceive how that object could be achieved by the Amendment he had proposed; and if the hon. Member's Amendment should be adopted, the preamble to the clause would run thus—"Whereas the revenues of the archbishopric of Armagh, and bishopric of Derry, and the other archbishoprics and bishoprics in Ireland, greatly exceed the other bishoprics in Ireland, it is expedient to diminish such excess." Such would be the wording of the clause, and he need not say that it was impossible that it could be agreed to in that shape. Undoubtedly they had left to the Primate of all Ireland a large, and perhaps in the opinion of some, a splendid income. Allusion had been made to the present primate, and he (Mr. Stanley) was sure it would be readily admitted by every one who had the least knowledge of that distinguished individual, that there never was a prelate whose conduct was more exemplary, and however large his See might be, it was impossible that it could have been expended in a manner more serviceable to the Church, or more beneficially to the community at large, than it had been by the distinguished prelate at the head of the Irish Church; and as to the patronage which his Grace possessed, he believed that not a single relative of the primate's had been promoted by him to a benefice. The present income of the primate was to be continued to him for life, but afterwards the revenue of the archbishopric would be reduced to 9,000*l.* a year; and he did not think that for the Primate of all Ireland, the head of the Church in that country, and upon whom necessarily many expenses were entailed, that 9,000*l.* a year would be a very large income. The revenue of the archbishopric nominally would be 10,000*l.* a year, but when the per centage was deducted it would be something under 9,000*l.* The revenue of the other archbishopric would be 7,500*l.*, and deducting the per centage it would be less than 7,000*l.* The Archbishop of Dublin was to have the whole of the South of Ireland under his charge, and there were in his diocese a greater number of poorer clergy than he believed in any other diocese in Ireland, whom of course he would be expected to assist and relieve. The incomes of the Bishops would fluctuate between 4,000*l.* and 5,000*l.* a year. The greater part of them receiving between 4,000*l.* and 4,500*l.* a year, he confessed he did not see any great advantage that would result from making the revenues of the Irish bishops uniform. There was an approximation to equality, but it did not actually exist. He saw no reason for making such an alteration as that proposed, and he should therefore oppose the Amendment proposed by the hon. Member.

Mr. *Wynn* objected to the Bishop of Derry having a higher salary than the Archbishop of Dublin. He also thought that 10,000*l.* a year clear income would be little enough for the Primate of Ireland, who was next in rank to the Lord Lieutenant of that country.

Mr. *Shaw* said, with respect to the Archbishop of Dublin, he could bear testimony to the great expenses that were incident to that particular See, and he heard individuals who had been translated from smaller sees with nominally a less income say, that they found themselves losers in a pecuniary point of view. As regarded the Primate, it was quite impossible that any income however large, could be expended with more advantage to the country, or so as to reflect more honour on the Established Church, than by leaving it at the discretion of the distinguished and revered individual who then adorned that high office. He felt, that the system of equality in the incomes of the Bishops was not free from objection and difficulty; but he still considered it far preferable to a reduction of their numbers, and to the last moment before this Bill should pass into a law, he would cling to the hope that the Government would abandon that most objectionable portion of it, which went to diminish the influence and efficiency of the episcopal bench in Ireland. It would be at all events but reasonable in the filling up of the blanks in this clause to postpone the payments to the Commissioners until the 1st of July and January which should occur next after the first half-year alone should be payable.

Clause agreed to.

Clauses to ninety agreed to, when the House resumed; Committee to sit again.

HOUSE OF LORDS,
Wednesday, June 19, 1833.

MINUTES.] Bill. Read a third time:—Sewers.—Committed:—The Agricultural Labourers' Employment Bill.

Petitions presented. By the Duke of RICHMOND, from Epping, for Alterations in the Agricultural Labourers Employment Bill; and from two Places, for the Abolition of Slavery.—By the Duke of BEAUFORT, from Crickhowell, for the Repeal of the Sale of Beer Act.

EAST-INDIA COMPANY'S CHARTER.] Lord *Ellenborough* wished to know whether the noble Earl (Earl Grey) had then any objection to answer the question which he had asked a few days ago, relating to the production of the correspondence between the East-India Company and the Board of Control, with respect to the constitution of the Local Governments in India?

Earl *Grey* said, that there was no correspondence between the Company and the Board of Control on that question, and therefore no such correspondence could be laid before the House.

Lord *Ellenborough* expressed his surprise, that no correspondence, on a matter of such high importance to the interests of India, should have taken place between the two bodies to whom the government of India was intrusted. As no communication on this subject had taken place between those two bodies, he thought it was a good reason why they should postpone that part of the Bill to the next Session. The noble Earl (Earl Grey) had, in 1813, expressed a wish to postpone those parts of the measure which were not essential to the renewal of the Charter; he (Lord Ellenborough) thought, that on the present occasion, there was a much stronger reason for postponing that part of the Bill which related to the constitution of the local governments in India. It was said, that the proposed changes with respect to the Company were for the improvement of the condition of the natives of India. He sincerely hoped that they might prove so, but, if he were not misinformed, it would appear that those alterations would remove most of the checks and restraints which had hitherto existed on the exercise of power in India, and which had been a guarantee against the oppression of the natives. He hoped he might prove to be in error, but it seemed a general opinion amongst those with whom he had communicated, that such would be the effect of those parts of the measure to which he had alluded. On this ground he would suggest that this part of the Bill, which was by no means essential to the arrangement with the Company, should be postponed to the next Session. By this arrangement an opportunity would be given for further inquiry on the subject. He would not detain their Lordships longer on the subject at present, as an opportunity would occur for reverting to it on a future occasion.

Earl *Grey* wished to correct the impression which seemed to be on the mind of the noble Baron as to what he had said. He did not say that no communication had been made from the Board of Control to the Company on the subject of the constitution of the local governments in India; what he had said was, that no correspondence had taken place on the subject, and therefore that none could be produced to answer the object of the noble Baron. It was true that the proposed changes with respect to the Company had been made with the view to the benefit of the natives of India, and he had no doubt that on the discussion of the question the great probability of such improvements would be shown. He admitted the great importance of the point to which the noble Lord had alluded, but though he did not feel called upon to enter into the discussion of the question at that moment, he would admit, that the parts of the Bill to which the noble Baron alluded were not essential to the measure of the renewal of the Charter. He could not at that moment call to his memory what he had said on the question in 1813, but, without any reference to that, he would admit the great importance of that part which related to the constitution of the local governments; and also that it should not be passed without the most mature consideration. If, when that part of the subject came under the consideration of their Lordships, it should be found that there were any difficulties in the way of this part of it, he would not object to consider the proposition of the noble Baron for delay; but when he said this, he did so with the feeling that delay should be avoided if possible.

The matter was dropped.

HOUSE OF COMMONS,

Wednesday, June 19, 1833.

Minutes.] Papers ordered. On the Motion of Mr. Francis Baring, an Account of the Number of Persons who have obtained Certificates from the Society of Apothecaries to practise as such in England and Wales, in each year, from 29th March, 1825: of the Money received by the Society for such Certificates, and how appropriated, during the same period: and of the Number of Prosecutions for Penalties: also what Sums have been Expended in support of a Botanical Garden, Lectures, and other Means for promoting the Knowledge of Botany, Materia Medica, and Pharmaceutical Chemistry.

Bills. Read a third time. On the Motion of Mr. Spring Rice, Woollen Trade Act Repeal; National Debt; Dwelling House Robbery.—Committed:—Parochial Rates Exemption.

Petitions presented. By Sir Robert Inglis, from Boroughbridge, Diocese of Chester, against the Church Temporalities (Ireland) Bill.—By Mr. Littleton, from the Gun Lock Smiths of Darlaston, for Relief.—By the Earl of Belfast, from Carrickfergus, against the Disfranchisement Bill for that Place.—By Lord Tullamore, from the Corporation of Penryn, complaining of a Petition presented against them, and Contradicting Statements made therein.—By Mr. Sergeant Perrin, from Dundalk, for a Commission with Power to Improve the Ports and Harbour of that Place.—By Mr. Marshall, from Leeds, for Amending the Law of Settlement Act.—By Sir Richard Simeon, from the Isle of Wight, for compelling the use of one uniform Bushel throughout the Country.—By Mr. Pease, from Darlington, for Modifying the proposed Measures of Government so as to secure to the Country the present Banking System.—By Mr. Pease, Mr. Philpotts, and Mr. Kemyss Tynte, from several Places, against the General Register Bill.—By Colonel Leith Hay, from the Shipowners of Peterhead, against increasing the Rates on Marine Policies for nine or twelve Months.—By Mr. Roebuck, from certain Inhabitants of the City of London, for the Liberation of Robert Taylor, and of Richard Carlile.—By Mr. James Oswald, from Edinburgh; and Colonel Leith Hay, from several Places,—for Alterations in the Royal Burghs (Scotland) Bill.—By Mr. Chichester, and Mr. Kemyss Tynte, from three Places,—for Amending the Sale of Beer Act; and Mr. Roebuck, from Tiverton, against the Repeal of the same Act.—By Colonel Torrens, Mr. Godson, and Mr. Marshall, from several Places,—for placing the Retailers of Beer on a Footing with Licensed Victuallers.—By Mr. Collier, from the Merchants and Shipowners of Plymouth, for the Exemption from paying the Merchant Seamen's Sixpences to Greenwich Hospital.—By Mr. Price, from Waterford, for the Mitigation of the Criminal Code.—By Mr. Harland, from Durham, for Abolishing the House and Window Taxes.—By Mr. Pryme, from Reading, in favour of, and Colonel Torrens, from Bolton, against, the Rating of Tenements Bill; and from Canterbury and Huntingdon, for Granting to the Inhabitants the choice of Corporate Officers.—By Mr. Hawes, and Mr. Daniel Gaskell, from a Medical Society, and from Wakefield, against the Apothecaries Bill.—By Lord Althorp, and an Hon. Member,—for the Better Observance of the Lord's Day.

St. George's Steam Packet Company.] Lord *Sandon*, in moving the third reading of the St. George's Steam Packet Company's Bill, stated, that in the original Bill there were some clauses to which objections had been made, as they gave a power to that Company over several others; but as the Bill stood at present, it was simply to enable the Company to sue and be sued, and to make some other regulations for the management of its concerns. The only reasonable objection that could now be made to it was, that it placed the Company in competition with others; but in his (Lord Sandon's) opinion, so far from its giving the Company greater powers than others were invested with—it, in fact, contained less provisions to that purport than other Companies had. It would be a new line of policy if the Legislature were to discourage the formation of Joint Stock Companies, but he would wait until he heard what objections were to be offered against the Bill before he presumed to go at any greater length into the subject.

Mr. *Wallace* said, the object of the Bill throughout was to give the St. George's Steam Packet Company the power to increase their capital to an immense extent, though it was not yet subscribed. The Bill had for its chief object to obtain a monopoly of the transmission of goods and passengers across the Channel. He contended that the preamble, which stated them to be a Joint Stock Company, was not proved. They claimed to be an Irish Company, but on reference to the list of subscribers, he found the balance as nearly as possible between England and Ireland, for he found that eighty-seven of the subscribers belonged to Ireland and seventy-four to England. It could not, therefore, be called an Irish Company. It could not be said, that his objections were made with the view of protecting Scotch interests, for he found that the English subscribers belonged chiefly to the western coast, namely, from Cornwall round to Liverpool—so that it was very natural that the inhabitants on that coast, including Wales, would not offer any objections to the Bill. The Company claimed the power of chartering all other vessels that professed to go on the same line as their vessels, and therefore a monopoly would be established, by which they might charge what prices they pleased. A more predetermined system of monopoly was never heard of. It was a frequent ground of complaint against encouraging the accumulation of large masses of wealth by any one Company; but the present Bill would have the effect of enabling the Company to accumulate very great wealth, as it would enable them to increase their capital by 30,000*l.*, and to form a sinking fund from various sources, of 80,000*l.*; and that, too, in the face of the Standing Orders of Parliament, which required a certain sum to be already subscribed. It would act as an exceedingly hard measure on all the other Companies, if, indeed, it did not entirely prevent those Companies' vessels from navigating altogether. The St. George's Steam Packet Company was already a very powerful Company. He had no doubt of the respectability of the subscribers; but he felt bound to oppose the Bill, conceiving it to be an injurious monopoly. He concluded by moving that it be read a third time that day six months.

Mr. *Fergus O'Connor* declared that the Bill came before the Committee originally in the most exceptionable form, such as must have convinced any man of the motives of the promoters. The hon. Member stated the advantages derived by competition, since the original establishment of steam-packets between Liverpool, Bristol, Dublin, Cork, and other places in that Channel. It was stated, he said, that the Bill was intended to facilitate commerce; but this could not be the case when the effect of the monopolies already existing was to keep the freight of Irish produce to this country, of pigs in particular, as high as 30*s.* per ton. The noble Lord who moved the third reading of the Bill had said, that it asked for no immunities but such as were possessed by other companies; but this was no argument, as the House was not bound to follow a bad principle; and that, too, just at the time when the House was doing away with other corporations. This Bill did, in fact, go to establish a corporation on the high seas. [Lord *Sandon:* It is a Joint Stock Company.] Whatever it might be called, it was in effect a corporation. Although much altered in the Committee, the Bill was still, in its present form, as likely to be of as much injury as in its original shape; and, he should, therefore, second the Amendment of the hon. member for Greenock.

Mr. *Wilson Patten* asked what monopoly the Bill would give which was not enjoyed by the Company already? As to the bye-laws of the Company, they would not be at all affected by the passing or rejection of the Bill, the provisions of which merely gave the Company the power of suing and being sued as a body. He would admit that several petitions had been presented against the Bill; but the clauses of which these petitions complained, had been expunged; and he could now see no objection to the Motion of the noble Lord, that the Bill be read a third time.

Mr. *Anthony Lefroy* objected to the Bill as giving to the Company a much greater capital, and consequently, reducing the scope for competition, by which alone the public could be benefited. From Waterford and other places, petitions had been presented against the Bill, which objected to it as a whole, as well as to certain clauses which had been expunged.

The Earl of *Ormelie* considered that, although the Bill only asked for an increase of 30,000*l.* to the capital of the Company, it was still most objectionable in principle. As far as the Bill went, it was *pro tanto* a monopoly; for the provision for suing and being sued was a privilege beyond the common law. Not a single public ground had been adduced in support of the Bill, upon which alone it should be granted. The object and the practice of the Company had been to throw out every competitor, and the parties now came to Parliament to enable them to perpetuate the system. He drew a marked distinction between bills for Steam Packet Companies, and those for Railways: in the former, all parties could plough the ocean without hindrance; in the latter, it was necessary that the sanction of the Legislature should be given before the grounds of private individuals could be cut through.

Major *Beauclerk* supported the Amendment. Every one would see, that the consequence of giving a monopoly to this Company would be, that they would run down all smaller Companies; and it appeared to him extraordinary, that this Bill should now be pressed forward, at a time when the House was anxious to do away with all monopolies. He therefore, hoped that hon. Members who were opposing monopolies would not give their sanction to this Bill.

Mr. *Jervis* said, the House should protect the public, and take care the public should have as cheap and expeditious a conveyance from one part of the country to another as possible. It had been said that what the Company were seeking to do by this Bill they could do without; but their coming to this House for powers which they could not do without proved quite the reverse. In his opinion, this Company ought not to be countenanced in keeping up their unnatural coalition, which would have the power of ruining other Companies, and prevent the public from having a cheap, and what was more material, a safe conveyance. In his opinion, no sufficient reason had been given why they should have a privilege which they could not have without the assistance of the House. But it had been said this Company was composed of different persons who had subscribed their money to keep up the concern. It was merely in effect this—that certain persons who had been proprietors of vessels, were willing to contribute their vessels, to keep up the competition, and to that extent, and to that extent only, they were willing to become shareholders. These individuals wished to have the assistance of the House to carry on their coalition, and that being the case, he should certainly give his support to the Amendment.

Mr. *Baldwin* also felt it his duty to oppose the third reading of this Bill, because it would have the effect of completely putting down all sailing vessels trading between England and Ireland.

Mr. *Barron* thought that no man, after reading the Resolutions of the Company itself, could doubt that their object was monopoly, and that they would, as a matter of course, do away with all minor companies, by which the public would be exceedingly injured; and not merely the public, but all the great outports of the United Kingdom; and that this company would charge whatever price they pleased. He should, therefore, support the Amendment.

Lord *Sandon*, in reply, hoped the House would not be led away by the vague cry of monopoly, which in no way whatever had been proved as to this Bill. The Bill had been subjected to the adverse investigation of a scrutinizing Committee for many days; and the Company did not claim a limited liability. On the contrary, every proprietor would be liable to the whole amount of his property.

The House divided on the question, that the Bill be now read a third time—Ayes 24; Noes 47: Majority 23.

CLAIMS ON THE DANISH GOVERNMENT — ADJOURNED DEBATE.] Mr. Parker moved the Order of the Day for the resumption of the Debate on the claims of English subjects on the Danish Government.

Mr. *Grote* said, that he had some time ago presented a petition upon the same subject from claimants in the City of London. He thought that a clearer case had never been established than by the petitioners. The claims arose from the confiscation and sequestration of the property and book-debts of British merchants by the Danish government, which sequestration was resorted to in consequence of a prior act of seizure of Danish property in British ports by the British Government. Immediately afterwards, the British merchants made a representation of their case to the British Government, and were told that their claims should be duly considered in the event of a treaty of peace being concluded. In 1814, however, when that treaty was made, so far from those claims being provided for, it actually legalized the confiscations of the property by the Danish government. The British Government had declared, that the original sentence of confiscation was wholly at variance with the law of nations, and had urged in 1809 as a reason for not then pressing on the Danish government the necessity of paying the claimants, that the treaty of peace had not been concluded; and yet when that treaty was signed, not a word was inserted even to recognise the claims. He thought the case one of great injustice. Up to this hour the claims had been suffered by successive governments to remain untried and unattended to. When he referred to what had been said by Mr. Goulburn in the year 1828, he thought the country had every reason to complain of the neglect and delay that had taken place. He must, in conclusion, express his regret that no one of his Majesty's Ministers was present to signify to the petitioners the intentions of the Government.

Lord *Morpeth* added his testimony to the reality and justice of the claim. He thought, however, that in the present state of the finances of the country, when the House considered the great claims that had been made upon it during the present Session, and the splendid exertions about to be made in the cause of benevolence and justice, the present Session was not a suitable time to press upon the Government any claim, however well founded. He joined in the regret expressed by the hon. member, for London that no member of the Government was present, and hoped that the intimations which had been made to them from so many quarters, backed by the speeches of so many Members of that House, would induce them to take the claim into their serious consideration before the expiration of another Session.

Colonel *Leith Hay* believed, that there never was a case brought before the House in which the merchants of this country had been treated with greater injustice than in the case of the petitioners. In his opinion, although the present Government was not identified with the transactions that occasioned the claims of the petitioners, it was their imperative duty specifically to perform the terms of the contract which had been entered into. There never was a class of his Majesty's subjects who had been treated in a more unworthy manner for the last twenty-five years, than the petitioners.

Mr. *Mark Philips,* as a commercial man, felt called upon to support the prayer of the petition. When he looked to the fact, that 1,200,000*l.* had been received as droits, and when he recollected the small amount of those claims, he could not help thinking that they ought to have been settled long ago. In his opinion the petitioners had been most grossly ill-treated; and if no previous Administration had thought the subject worthy of consideration, he hoped the present would, not taking into consideration the statute of limitations.

Mr. *Warburton* said, that no lapse of time would justify Ministers in not granting to the petitioners that justice to which they were so deservedly entitled. At the end of the French war the emigrants from France obtained a compensation for their confiscated property, and surely the settled Government of England could not be less just than the Government of France. The Government had then more than ample funds in their hands for this purpose, and he thought if the debts of branches of the Royal Family were paid out of it, the petitioners' case was deservedly entitled to the consideration of his Majesty's Government.

Mr. *Strickland* was old enough to recollect the circumstances which gave rise to this claim, and that on that occasion what was called the law of nations was stretched too far. It was considered by the Danish Government to have been an act of enormity; and he considered that the British Government, after having received 1,200,000*l.* by the confiscation of Danish property, was bound to see, that no act of injustice was committed, in consequence of that confiscation, on British merchants. Government was simply called upon to pay about a tenth of what had been received; and he thought the moral maxim was as applicable to nations as to individuals, that, "Honesty is the best policy."

Mr. *Cobbett* protested against the principle of the people of this country, or of any other, being called upon to make good the losses of merchants, whether arising from a state of war or otherwise. If, as had been stated, the money received from the sale of the Danish property went to the members of a certain family as droits of the Admiralty, he (Mr. Cobbett) would say, that such members of the Royal Family as had received the money should be called upon to refund it. He protested against any portion of it coming out of the hands of the people of this country.

Mr. *Tennyson* had understood, that in consequence of a long negotiation on the subject between the British and Danish Governments, the former became bound to indemnify the present claimants. The British Government was therefore called upon to satisfy those claims upon every principle of justice; and when the question came regularly before the House, he should feel himself called upon to vote for the liquidation of these long out-standing debts. He thought, however, that this discussion would be entirely useless unless his hon. friend, the member for the city of London, gave notice that he would move for a Select Committee, or bring forward some precise Motion on the subject, which had now been hanging over for several years. Public justice required that some inquiry into the subject should take place; and he was sure his Majesty's Government would give every opportunity for such a discussion.

Mr. *Pryme* hoped the hon. member for the city of London would bring forward some specific Motion on the subject.

Mr. *Marshall* said, it appeared to him this was not merely a case of great hardship, but of gross injustice; and he had yet to learn that any government could deny that these claims were just. He had heard no one as yet state that they were otherwise than just; and if that were so, he felt confident, such claims being just, the House would see that they were amply satisfied. The country, whatever may have been the way in which the droits of the Admiralty had been distributed, had appropriated the money by Act of Parliament. The country was in possession of the fund out of which these claims ought to be satisfied, and he hoped that some hon. Gentleman would, in the early part of the next Session, bring forward the question whether, aye or no, these claims were to be paid.

Mr. *Denison* thought these claims were just against the Government, against the country, and against the Parliament; and it was but an act of justice that they should be speedily satisfied.

Mr. *Parker* intimated that if Government did not, during the recess, take some step in this matter, it would be brought before Parliament in a substantive and specific form next Session. There were assets, out of which the money ought to have been paid—it was no fault of the petitioners that it had not been—and if something more decisive were not done, the subject must be renewed in that House.

General Registry.] Mr. *William Brougham* moved the Order of the Day for the second reading of the General Registry Bill. As he had explained its details at great length, on a former occasion, he would not now trouble the House with any further remarks upon it.

Mr. *Ayshford Sanford* said, that it appeared to him that the learned Gentlemen practising in London, and supporters of the present Bill, had not looked to the manner in which business was transacted in the country. They were acquainted with the practice of the Metropolis, but knew little or nothing of that of country practitioners. Those who brought forward the Bill, therefore, did not take into account the additional expense and inconvenience that would be occasioned in the country by a plan such as the present. Equitable mortgages would be impeded by means of it, and he did not think it advisable to throw obstructions in the way of agriculturists obtaining temporary loans. Many persons would be unwilling to seek for loans, if the present privacy with which they could be effected should be destroyed by a registry. They would be apprehensive of their credit suffering, and refrain from accepting accommodation. He thought that the evils of a want of a general system of registration had been greatly exaggerated. If a registry of landed property had been made at an earlier period, before the great subdivision of land, it might have been attended with advantage, but now it could only produce vexation and inconvenience. Suppose that an accident occurred by which the index to the registry should be out of order, the effect would be to throw all the landed property of the country into inextricable confusion. He had gone into the Select Committee to which the Solicitor-General's Bill on this subject was referred, with every disposition to give the plan his support, but his opinion changed in consequence of the information he had acquired, and he found himself compelled to oppose the Bill. It was presumption, perhaps, in him to do so, but his opposition was backed by that of the highest legal authorities, to whose opinion that House had often bowed. As he considered the measure dangerous to the property of the agricultural classes in particular, he should move that the Bill be read a second time that day six months.

Mr. *Hodgson* seconded the Amendment, and said, that the subject would not suffer much by the delay of another year. He would, in one respect, prefer local to metropolitan registers; namely, that in case of riots or insurrection no buildings would be more likely to be attacked by the mob than that which contained the muniments of the nobility and gentry of England. It was easy for hon. Members to say, that the expense would be but small, but he had never heard any of those Gentlemen give an estimate of the expense. He was sure it would not be less than 1,000*l.* a year to each county in England; and he would ask if Parliament was prepared, in the present state of the finances, to vote such a sum of money in order to forward a measure that would benefit the landed proprietors only? But did the landed proprietors call for such a measure? On the contrary, all the petitions that had been presented on the subject were against the measure, and none of them were in favour of it.

Mr. *Pryme* said, that the first objection he had to the measure was the expense to which it would expose the public; but his principal objection to it was, that individuals would be put to great expense in transactions in which the sums concerned were very small. The Bill was opposed by all the solicitors in the country, who were good judges of its probable effects. It was part of a system for having all the business of the country transacted in London; a system which he thought erroneous in policy, as he considered it much better that the county towns should be the centres of the business of the district in which they were situated, forming as it were small metropolises, instead of having one central place, to which everything should be carried, and every sort of business, either by agency or otherwise, transacted. He would give the Bill his most decided opposition.

Lord *Morpeth* merely rose to ask his hon. and learned friend opposite a question on the subject. This Bill rested upon authorities so high, and was supported by arguments many of which he was ready to admit were very strong, that his opposition to it would be in a great degree regulated by the answer he should receive from his learned friend to the question he was about to put. He begged to ask his learned friend, if he should persist in pressing this Bill through in the present Session, in which at such an advanced period it was hardly likely to pass, whether he would consent to except from its operation the counties of the northern circuit? In Yorkshire, they had a registry with which they were very well contented. It was true, that the other five counties had not a registry, but it was to be recollected that it was from this part of England that the most vehement objections had been made to this Bill, and that the most vehement opposition to it had proceeded. He hoped, therefore, that those counties would be excepted from the operation of the Bill, while it might be tried as an experiment in the other parts of England.

Mr. *Gilbert Heathcote* most earnestly hoped that no experiments would be made in other parts of England, for the benefit of Yorkshire. If the three or four counties forming the northern circuit were excepted from the operation of the Bill, he hoped he should be allowed to put in a claim of exemption for the county of Lincoln, in which there was also a strong feeling of opposition to the measure. In many of the districts of that county, the opposition was very strong; and it was strongest among those classes who were best acquainted with its probable operation.

Mr. *Lynch* supported the Bill, as necessary for the protection of purchasers. The highest law authorities, both ancient and modern, were in favour of such a measure as this, and it was one that was absolutely necessary for the protection of purchasers. One great advantage attending the establishment of a general registry was, that it would secure the evidence of title-deeds, for, when they were lost at present, estates became unmarketable. At present the law afforded no security to the purchaser of lands against the operation of Crown debts; by this Bill that security would be afforded, inasmuch as the Bill provided that all Crown debts should be registered, as well as other liabilities affecting property. The purchaser at present could know nothing of the liabilities to which the property might be subject; but this convenience would arise from the provisions of the measure now before the House; namely, that the purchaser would be empowered to lodge a *caveat* with the registrar, which would prevent the registration of any new deed that might interfere with the rights of the purchaser, with reference to the property sought to be affected by it. As to mortgage transactions, "a man entitled to an estate worth 50,000*l.* borrowed a sum of 20,000*l.* upon mortgage, and gave up possession of the title-deeds, and stipulated not to pay it off for five years. He wanted another sum of 10,000*l.* in the mean time; the estate in question was ample enough for the purpose, but no one would lend it to him, no one would lend, because no one could have security if he did. He could not have the legal estate —he could not have the deeds—all that he could rely on was a notice to the first mortgagee. That notice might be lost; but what was more, the owner of the estate might go to a third person—might prevail on that person to lend him another sum, without informing him of the second mortgage. The third mortgagee might afterwards discover the second mortgagee. He went to the first mortgagee, paid him off, got the legal estate, and squeezed out the second mortgagee. He would only ask, ought such a system as this to be allowed to continue? All this would be remedied and cured by the registry. With respect to the protection afforded by assignments of terms of years, created out of the estate, and kept distinct from the inheritance by being assigned to a trustee, the purchaser (where there are such terms) could not be certain that he had got the assignment of the oldest term, and, if he had not, the intervening incumbrancer might even after the purchase, obtain such assignment, and oust him. He could not be certain, that the term had not become merged in the inheritance by the union of the term with the inheritance in the same person. He could not be certain that he had got an assignment from the proper representative of the person in whom the term was vested. Questions arose daily, as to whether the probate of the will or letters of administration to the estate of the person in whom the term was vested, had been taken out in the proper Ecclesiastical Court, for, if not, the assignment was of course invalid. He could not be certain that the Judge before whom the cause was tried might not direct the Jury to presume a surrender of the term; and if the purchaser should get over all those difficulties, he might be deprived of the benefit of the term by having notice of the intervening incumbrance, not merely direct or express, but constructive notice. It had been urged against this measure that its operation would be liable to errors, but he must remind the House that no such errors as had been suggested, could in the least degree affect the title to an estate; the title would remain the same. The whole system of indexes proposed by the Bill was perfect, and it was impossible that any error could arise. The argument as to the expense which would be incurred from the adoption of the proposed plan could not be maintained, as he was convinced that any expenses which might arise would be considerably less than had been anticipated and estimated by the opponents of the measure. On the whole, he hoped the House would consent to the second reading of the Bill, and that at least it would be allowed to go into Committee.

[The Gallery was cleared for a division, but none took place. While strangers were out, a short debate took place. Mr. Harvey declared that he was friendly to any system which would simplify the transfer of property. At the same time, he could not consent to the second reading of the Bill, unless the hon. and learned Member who had charge of it, would consent that its further consideration should be postponed. This view was supported by the Marquess of Chandos, Mr. Tennyson, and Mr. Strickland, and it was opposed by Sir Robert Peel, the Attorney General, and the Solicitor General.]

On re-admission to the Gallery,

Mr. *Tooke* was addressing the House. The hon. Member objected, at this period of the Session, to a Bill of so much importance being proceeded with. He conceived that it was impossible at this period, that a measure of this nature could be so matured as to lead to any beneficial results. By a postponement of the question until the next Session, some time would be afforded for a conversion of the opponents of the measure, by a further consideration of its merits, and to such a conversion he was perfectly open. He must, however, avail himself of this opportunity of disclaiming the animadversion which had been thrown upon that branch of the profession, to which he had the honour to belong, namely, that their opposition to the measure originated in interested motives. He denied on behalf of the profession, the justice of any such imputation, and he would most humbly throw into the scale his practical knowledge and experience in making this declaration. He would also suggest to the hon. and learned Member opposite, and to the House, that the measure was not one which pressed on them; and further, that if good could be anticipated from it, that benefit would improve by delay, and he could not but think, that the House would act with an improvidence unworthy of it, if it came to a decision in favour of the principle of a Bill, which it was obvious, from what had transpired, was not yet sufficiently matured.

Mr. *Tennyson* objected to the Bill being proceeded in with precipitancy, and maintained, that the landed interest of the country ought to have time to know and understand its proposed provisions, before it should be permitted to pass into a law. The landed interest ought to be communicated with, and with this feeling, if the hon. and learned Member, who had moved its progress, would consent to its being now read a second time and sent into Committee, then to be reprinted and widely circulated through the country, and brought forward in the next Session, he would support the hon. and learned Gentleman's motion; but if the Bill was to be persisted in during the present Session, he should oppose the second reading.

The *Solicitor General* said, that the simple question before the House was, whether the Bill should be now read a second time; and as he had looked with some anxiety as to what would be the result of a Reformed Parliament, he regarded with some solicitude the present question. Indeed, he should be much mortified if the Reformed Parliament should declare itself against and reject a measure which experience had proved to be beneficial all over the world; or, in other words, to reject that which had been tried, and found beneficial to the public interests in Scotland, Ireland, France, and the colonies. Without entering into the details of the Bill, he would come at once to the objections which had been suggested. It had been said, its provisions were not sufficiently known, and that, therefore, it ought to pass to another Session. That was not the just way to get rid of the subject. No further delay could be necessary; the Bill had already been brought forward in three Sessions of Parliament; it had been most extensively circulated amongst the Magistrates at Quarter Sessions; it had been openly discussed at public meetings, convened for the purpose in various parts of the country; its merits and demerits had been fully discussed; petitions had been sent up and presented to the Legislature against it, and the House was now as fully competent to judge of it as by possibility it could be in another Session. He therefore would entreat his hon. and learned friend not to abandon at the present stage this Bill, which he hoped, before the present Session closed, would receive the assent of that House, of the House of Peers, and of his Majesty.

Mr. *Strickland* was opposed to the Bill. He had been upon the Select Committee up-stairs; and though he would admit, that there had been a majority in the Committee, yet a great diversity of opinion prevailed upon the provisions of this Bill. The county he had the honour to represent would be materially affected by the Bill. In that county, after much labour and expense, a registry had been completed, and all that labour and expense would be thrown away by the operation of the present Bill, and the system, which had been found to work well, would be made to give way to all the inconveniences which were presented in the measure now before the House. The present measure was full of inconveniences, and differed entirely from the system of registration which had been pursued, and found to work well in Yorkshire, in Middlesex, and in Dublin. The Bill contained the monstrous proposition, that all men's title-deeds were to be placed in London, for the inspection of every man who should make it his business to attempt to discover flaws in them. Would that House pass a measure which would compel a man, in making a settlement of his estate, to submit his title-deed for public inspection at Charing-cross?

Mr. *Pease* was of opinion, that a Member should support the views of his constituents, and he was happy to be able to support the views of those who sent him to that House. He had presented petitions against the measure from all the towns of the southern division of Durham, and he could assert that nine-tenths of the freeholders of that division were against this measure. The evils to be guarded against were precarious and distant, the evils of the Bill itself were certain, and would immediately arise. The whole expense of the building would have to be paid by fees, the Clerks would have to be paid by fees; the expense would be great; and if one of these Clerks should make a mistake by taking the wrong John Brown out of ten thousand John Browns, and an estate of 10,000*l.* or 15,000*l.* were to be lost, who would pay for that? In his opinion, the injury it would cause would be incalculable. All the title-deeds would be sent to London; but were hon. Members aware that parcels were sometimes lost? Then again, let the House see the expense of that. Some provision was made for the postage; but he should like to know what the postage would come to of a set of title-deeds, such as he received a few days ago, which filled the whole box of a gig? The country would never be satisfied with the enormous expense. He spoke not so much of the Gentlemen present—many of whom might willingly pay a few pounds for security—but of the great number of small landholders in the community. To the small freeholders it would be a positive injury. He had lately had something to do with executing conveyances, and more than 100 had passed through his hands, in not one of which the fee-simple was more than 30*l.* There was not one petition in favour of the Bill. It was said, that the opposition to it in the country had been got up by country Solicitors. If it was meant that they did not like to lose their business, he thought their objections perfectly proper. He believed that Gentlemen there did not know how country Solicitors carried on their business; but he could say, that in general, when they assured their clients that a title was good, the clients took it, and it was better to take a title under those conditions, than endeavour to vitiate it. No evil in practice resulted from that. The whole of the county of Durham protested against the Bill. It was alleged that it was calculated to prevent fraud—he did not say it was not; but there were other and more simple means, and the evil which it was by its cumbrous machinery to guard against was of such rare occurrence, that a respectable Solicitor of Durham had stated, at a public meeting at Durham, that he never knew an instance of fraud.

The *Attorney General* supported the Motion. The Bill was only to establish the general principle of registration, which they all seemed to agree in. Even the hon. member for Yorkshire liked registration in Yorkshire, and why should not that which was good in Yorkshire be extended over the whole kingdom? The present Motion only went to sanction the principle, and all the details might be discussed in the Committee.

Mr. *Duncombe* reminded the House that the general principle of the Bill, which the second reading would sanction, was the principle of metropolitan registration. The whole of his constituents were against the Bill, and he should give it his most decided opposition in that stage.

Mr. *Murray* supported the Motion. The principle of registration had been tried in Scotland for upwards of 100 years, and been found to give great satisfaction. They were not then to decide on the details, but only on the general principle, to which even the hon. member for Yorkshire was favourable.

Mr. *Cayley* was determined to oppose the Motion, because he knew that every one of his constituents considered him pledged to oppose it.

Lord *Sandon* had a petition to present against the Bill from Liverpool, most numerously and respectably signed. For his own part, he approved of the general principle of registration, but objected strongly to making it metropolitan. He did not like concentrating wealth and business in London; on the contrary, he thought it was better to diffuse them as equally as possible through the country. He should prefer a district registration. At the same time he should vote for the second reading, with a determination on his part to make it into a scheme for a district registration, in the Committee.

Mr. *Wason* was sure that it would not be possible to do anything with the Bill this Session.

The House then divided on the Question that the Bill be read a second time—Ayes 69; Noes 82: Majority 13.

List of the Ayes.

ENGLAND.

Althorp, Lord
Baring, F.
Barnard, E. G.
Campbell, Sir J.
Childers, J. W.
Evans, G.
Ewart, W.
Fort, J.
Forster, C.
Grey, Sir G.
Grote, G.
Hall, B.
Hawkins, J. H.
Heathcote, G. J.
Horne, Sir W.
Hyett, W. H.
Kennedy, J.
Lamont, Captain
Langston, J. H.
Leech, J.
Lefevre, C. S.
Lennard, T. B.
Lushington, Dr.
Ord, W. H.
Potter, R.
Romilly, E.
Romilly, J.
Sandon, Lord
Scholefield, J.
Stanley, Rt. Hon. E.
Strutt, E.
Thicknesse, R.
Troubridge, Sir T.
Vernon, G.
Walker, R.
Warburton, H.
Whalley, Sir S.
Wood, Alderman

SCOTLAND.

Abercromby, Rt. Hn. J.
Adam, Admiral
Agnew, Sir A.
Bannerman, A.
Colquhoun, J. C.
Dalrymple, J. H.
Ewing, J.
Fergusson, R. C.
Gillon, W. D.
Hay, Sir J.
Jeffrey, Right Hon. F.
Johnston, A.
Johnstone, J. J. H.
Kennedy, T. F.
Maxwell, Sir J.
Maxwell, J.
Murray, J. A.
Oliphant, L.
Oswald, R.
Oswald, J.
Steuart, R.
Stewart, E.
Wallace, R.

IRELAND.

Browne, D.
Fitzgerald, T.
Lamb, Hon. G.
Lynch, A. H.
Maxwell, T.
Perrin, L.

PAIRED OFF.

Hume, J.
Kerry, Earl of
Peel, Sir R.
Pendarves, E. W.
Penleaze, T. S.
Rippon, C.
Whitbread, W. H.

TELLERS.

Brougham, W.
Buller, C.

List of the Noes.

Aglionby, H. A.
Attwood, M.
Bethell, R.
Blamire, W.
Boss, J.
Castlereagh, Viscount
Cayley, Sir G.
Cayley, E. S.
Chandos, Marquess
Chapman, A.
Chaytor, Sir W.
Chetwynd, Captain
Cobbett, W.
Cornish, J.
Curteis, E. B.
Curteis, H. B.
Darlington, Earl of
Divett, E.
Duncombe, Hon. W.
Fenton, Captain
Fielden, J.
Finch, G.
Gaskell, J. M.
Gaskell, D.
Goring, H. D.
Halcomb, J.
Hardy J.
Harvey, D. W.
Hay, Colonel
Heathcote, G.
Henniker, Lord
Hodges, T. L.
Howard, P. H.
Ingham, R.

Ingilby, Sir W.
Jermyn, Earl
Jervis, J.
Johnstone, Sir J. V. B.
Knatchbull, Sir E.
Lister, E. C.
Lowther, Lord
Lowther, Colonel
Marshall, J.
Parker, J.
Parrott, J.
Pease, J.
Pelham, Hon. A. C.
Philips, M.
Phillips, C. M.
Pryme, G.
Richards, J.
Ridley, Sir M. W.
Ross, C.
Ryle, J.
Sheppard, J.
Staunton, Sir G. T.
Strickland, G.
Talbot, J.
Tennyson, Rt. Hon. C.
Thomson, P. B.
Todd, R.
Tooke, W.
Tynte, C. J. K.
Tynte, C. K. K.
Tyrell, C.
Villiers, Viscount
Vyvyan, Sir R. R.
Wason, R.
Wilks, J.
Williams, W. A.
Williams, Colonel
Wood, Colonel
Yorke, Captain
Young, J.

TELLERS.

Hodgson, J.
Sanford, E. A.

PAIRED OFF.

Gladstone, W. E.
Herbert, Hon. S.
Lambton, H.
Lincoln, Earl of
Molyneux, Viscount
Ossulston, Viscount
Ramsden, J. C.

SEPARATISTS' AFFIRMATION.] Mr. *Pryme* moved, that the House should resolve into a Committee on the Bill for substituting the Separatists' affirmations for their Oaths. The hon. Member explained the hardships those persons were subject to at present on account of their refusing to take an oath. They were prevented from being merchants, because they would not take Custom House oaths. They could not exercise their calling in Corporations, because they would not take the oath to the Corporation. They were sometimes deprived of their elective franchise, because they would not swear that they had not voted before. If they were half-pay officers, they could not receive their half-pay because they would not swear. They were subject, in short, to a variety of other similar hardships which fell on them because they would not swear.

Mr. *Halcombe* thought, that before the House conceded to the Separatists' privileges which were not enjoyed by his Majesty's subjects in general, it ought to know something of who and what they were. In the known character of the Quakers they had some guarantee, but the Separatists were wholly unknown to him. He would be obliged to the hon. Member to state who and what the Separatists were. Upon looking at the Bill, he could not see that any parliamentary ground was laid for dispensing with the taking of oaths in the case of the people called Separatists.

Mr. *Warburton* thought it a sufficient ground for passing the Bill, that the Member who introduced it, stated that the persons to whom it referred entertained conscientious objections to taking oaths.

Mr. *Murray* said, that he was acquainted with many Separatists, and knew them to be a respectable body of persons, who adhered literally to the precept in the Gospel, which recommended that men should not swear. The Bill, which was intended to allow these people to take their affirmation instead of an oath, would be a boon to society in general as well as to them, for at present their scruples prevented them from giving evidence in Courts of Justice, which might lead to the punishment of the guilty or the acquittal of the innocent.

Mr. *Goulburn* thought, that the House ought to be in possession of better information respecting the people calling themselves Separatists before the Bill was passed. He had looked into the most recent works describing the religious sects in this country, and he could find nothing about them. If the House showed a disposition to grant privileges such as that proposed by the Bill to all persons who said they entertained scruples to take oaths, it would tend to encourage unnecessarily dissent from the Established Church.

Mr. *Pryme* said, the Bill contained a clause which enacted, that if any person should falsely pretend in a Court of Justice that he was a Separatist in order to avoid taking an oath, he should be liable to the penalties of perjury.

Bill committed.

CHURCH TEMPORALITIES (IRELAND).] The House resolved itself into a Committee on the Church Temporalities (Ireland) Bill.

On Clause 95—giving power to the Commissioners to agree with the patron for yearly allowance being read,

Mr. *Goulburn* said, that one unjustifiable proposition was embodied in this Bill—that of taxing the clergy, even though the lay impropriator was the person to derive advantage.

Mr. *Stanley* said, that the object of the Bill certainly was to tax the Church for the purposes of religion, and it could not be objected that the income of a clergyman should be augmented though the tithes were in the hands of a layman.

Mr. *Shaw* said, that he had before, when the principle of the Bill was under discussion, objected to the clergy alone being taxed for the rest of the community, but that point being carried against his opinion, it was still but just that when by law the lay impropriator was bound to provide for the service of the Church, that the funds of the clergy should not be taxed for what another was legally bound to pay. He hoped the noble Lord was now prepared to assent to the proposition which he had before promised to take into consideration—namely, the allowing a summary remedy by petition against the lay impropriator who was bound by the express conditions of the grant or patent under which he held the tithes to maintain an officiating clergyman. That mode of summary relief had been recommended by the Commissioners of Ecclesiastical Inquiry, as was the case in respect of charitable donations, and under the 22nd Clause of the Bill then under consideration, the same remedy by petition was given against the clergy for enforcing payment of the tax. He might here be permitted to mention some cases of lay impropriators deriving large incomes from tithes, and contributing little or nothing to the support of the Church. In Doneraile, in the county of Cork, 1,000*l.* a-year was received, and but 13*l.* paid. In Drumdowney, 800*l.* was received, and 6*l.* 13*s.* 4*d.* paid—the same in Ballybeg, and from the parish of St. Catherine's, Cork, the lay impropriator derived 2,000*l.* a-year, and did not pay 1*s.* for the support of the Church or the performance of divine service. He was not at present drawing any distinction between tithes and other property in the hands of laymen, but merely asking on the part of the Church, whether the lay impropriator was by the grant under which he held expressly bound to pay?

Dr. *Lushington* said, there were very few such cases in England; and begged to know from the hon. Gentleman opposite (Mr. Shaw) whether they were of frequent occurrence in Ireland—as, if so, he thought the proposition of the hon. Member was a very reasonable one?

Mr. *Shaw:* Such cases were of frequent occurrence in Ireland, as the Commissioners of Ecclesiastical Inquiry reported. He hoped that the noble Lord would assent to his proposal, and introduce a clause providing a summary remedy.

Lord *Althorp* said, he should feel obliged to the hon. Gentleman for preparing such a clause. He would not object to its introduction.

Mr. *Shaw:* he would willingly prepare the clause and submit it to the noble Lord.

Mr. *Henry Grattan* said that, if the lay impropriator received tithes without doing duty in return, the clergy received large sums for doing next to nothing.

Sir *Robert Bateson* said, that the lay impropriators were bound by law to contribute towards the maintenance of the Church, for they derived all the profit from the tithes; and if it were even true, which he denied, that the clergy did little in return for their incomes, it was unquestionable that the lay impropriators did nothing towards the service of religion in the parishes from whence they derived their incomes. There could not be a more zealous or exemplary body of men than the Irish clergy.

Sir *Robert Inglis* urged the necessity of the lay impropriators contributing, as by law they were bound to do, to the maintenance of the Church and the support of the officiating clergy.

Clause, with verbal Amendments agreed to; and the Clauses to the 118th agreed to. House resumed. Committee to sit again.

* * *

HOUSE OF LORDS,

Thursday, June 20, 1833.

MINUTES.] Bills. Read a third time:—Militia Ballot Suspension.—Committed:—Limitation of Actions.

Petitions presented. By the Earl of MALMESBURY, from the Isle of Wight, for one regular Standard Measure throughout the United Kingdom.—By Lord SUFFIELD, from Ennis, for a Revision of the Criminal Code.—By the Duke of CLEVELAND, from Wellington (Somerset); and by the Earl of GOSFORD, from several Places,—against Slavery.—By the Duke of CLEVELAND, from a Dissenting Congregation at Preston, for Relief to the Dissenters as regards Marriages, Registration, and Church Rates.—By Lord WYNFORD, from Stockport, for Poor Laws to Ireland.—By the Marquess of WESTMINSTER, from Gillingham, against the 19th Clause of the Local Jurisdiction Bill.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.] A Conference was held with the Commons, when the following Resolutions were communicated, to which their Lordships' concurrence was desired:—

1.—"That immediate and effectual measures be taken for the entire abolition of slavery throughout the colonies, under such provisions for regulating the condition of the negroes, as may combine their welfare with the interests of the proprietors.

2.—" That it is expedient that all children born after the passing of any act, or who shall be under the age of six years at the time of passing any act of Parliament for this purpose, be declared free; subject, nevertheless, to such temporary restrictions as may be deemed necessary for their support and maintenance.

3.—" That all persons, now slaves, shall be registered as apprenticed labourers, and acquire thereby all rights and privileges of freemen; subject to the restriction of labouring, under conditions, and for a time to be fixed by Parliament, for their present owners.

4.—" That, towards the compensation of the proprietors, his Majesty be enabled to grant to them a sum not exceeding 20,000,000*l.* sterling, to be appropriated as Parliament shall direct.

5.—" That his Majesty be enabled to defray any such expense as he may incur in establishing an efficient stipendiary Magistracy in the colonies, and in aiding the Local Legislatures in providing, upon liberal and comprehensive principles, for the religious and moral education of the negro population to be emancipated."

The Resolutions were ordered to be printed.

QUAKERS AND MORAVIANS.] The Duke of Richmond moved the second reading of the Quakers' and Moravians' Affirmation Bill.

Lord *Wynford* had some objection to Quakers sitting on Juries, though none to their holding offices, because they had scruples of conscience about inflicting punishment. He wished, also, that the sects who were sought to be relieved by this Bill, should also be called upon when they wished to take the benefit of it, to prove that they belong to the sect whose outward appearance they adopted.

The Bishop of *London* did not mean to make any observations upon the Bill then before their Lordships; but he wished to offer a few observations on the subject of oaths in general, as they were administered in this country. It was a matter of very great importance, both in a religious and moral point of view, and he was extremely sorry that the attention of the Legislature had not been more directly called to it. A Bill had been brought in about two years ago by the Lord President of the Council, which, in some degree, lessened the evil to which he was adverting. He thanked the noble Lord for that measure, because any measure which tended to diminish the number of oaths to be taken by individuals or public officers was a public benefit. He could assure their Lordships that there was a strong feeling on this subject amongst the religious part of the community in this country. He did not think, that he was going too far when he said, that there was no country in the world in which this most solemn and sacred obligation was administered with less gravity, with less impressiveness, with less decorousness of manner, than it was in this country. The effect of the system had been well and truly described by Dr. Paley, who observed that " the obscure and elliptical form, together with the levity and frequency with which oaths are administered, have brought about a general inadvertency to the obligation of oaths, which, both in a religious and political view, is much to be lamented, and it merits public consideration whether the requiring of oaths on so many frivolous occasions, especially in the Customs, and in the qualification for petty offices, has any other effect than to make them cheap in the minds of the people. A pound of tea cannot travel regularly from the ship to the consumer, without costing half a dozen oaths at least, and the same security for the due discharge of their office, namely, that of an oath—is required from a churchwarden and an Archbishop, from a Petty Constable and the Chief Justice of England." Dr. Paley contended, that " they ought to abstain from calling into requisition the sacred sanction of an oath, except on the most important occasions." There were two species of oaths; and he did not think that the difference between them was sufficiently attended to—assertory oaths and promissory oaths. Assertory oaths were necessary for the discovery and punishment of offences: whilst promissory oaths were not only not necessary, but were, in truth, productive of the worst effects. To this subject, Dr. Paley had called the attention of the public more than forty years ago. The Bill brought in by the noble Marquess, to whom he had before alluded had done away with the necessity for taking 10,000 oaths in a year, but still much of the evil remained. The municipal oaths ought to be revised; nine-tenths of them might, he was of opinion, be done away with, and a simple declaration introduced in their place. This very serious question had been pressed on the attention of the British people long before the time of Dr. Paley. It had been forcibly taken up by one of the most virtuous, learned, and eloquent men that ever adorned the Protestant Church—he alluded to Bishop Jeremy Taylor. It was a subject well worthy of grave consideration, and in the next Session of Parliament, if his life were so long spared, he would call the attention of the House to it, unless it were taken up by some noble Lord more competent than he was to undertake the task. The consideration of this subject ought, in his opinion, to be intrusted to a Select Committee, or to a Royal Commission. He would also refer to another class of oaths, which appeared to him to be liable to great objection—he meant the oaths taken in universities and schools. He felt, that to administer an oath to a young man, not of full age, except in cases where truth was judicially sought, was very objectionable. Certainly, promissory oaths should not be exacted from them. He now publicly expressed a hope that, as this subject had been taken up in one of the universities, it would as soon as possible be entertained by the Legislature, who ought to inquire how far it was consistent with sound religion and right principles to enforce on young men, not of age, an obligation for the observance of duties, the performance of which might be exacted by easier means.

The *Lord Chancellor* only spoke the sense of those persons who had turned their attention to this subject, when he expressed his opinion, that a thorough revision of the present system ought to take place. Far from thinking that the question should be intrusted to other hands, he felt that it could not be taken up by any individual more capable of doing justice to it than the right reverend Prelate himself. There was another description of oaths which, in his opinion, ought to be discouraged: he meant voluntary oaths or affidavits. A penalty should be inflicted for administering such oaths, or a penalty should be levied on the individual taking them, if it appeared that he had been guilty of false swearing. As the law at present stood, it did not meet those cases.

The Bishop of *London* said, that he had not mentioned the class of oaths—voluntary affidavits—noticed by the noble and learned Lord, because he had, on a former occasion, called the attention of their Lordships at some length to that branch of the subject.

Lord *Bexley* expressed himself in favour of a diminution of the number of oaths which individuals were now, under a variety of circumstances, compelled to take.

The Duke of *Richmond*, in order to show that the persons intended to be relieved by this Bill, would not scruple to do their duty as was stated by the noble and learned Lord, would beg leave to remind their Lordships, that a Quaker was on a Jury last January at the Old Bailey, and did not hesitate to find a man guilty of felony.

Lord *Suffield* said, the noble and learned Lord (Lord Wynford) seemed to think, that from some religious scruple a large body of men would violate their affirmations. Now, he thought, that the parties alluded to were as incapable of violating their affirmations as any noble Lord was incapable of violating his oath.

Lord *Wynford* denied, that he had made any such assertion. He was unwilling to place the Quakers in the situation in which that Bill would place them.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, June 20, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. G. J. HEATHCOTE, an Account of the Number of Commitments in England and Wales, for Horse-stealing, for the years ending 11th July, 1832, and 1833: the same for Sheep Stealing.—On the Motion of Colonel EVANS, the Assessment for the Inhabited House Duty, for the year ending 5th April, 1833, at which a hundred of the highest Rated Private Houses in the Metropolis are Assessed: the same for Houses, the Occupiers of which are engaged in Trade: the same from Brighton, Bath, Birmingham, &c.—On the Motion of Mr. BETHELL, a Copy of the Memorial from the Committee of Country Bankers, delivered to the Duke of WELLINGTON and Mr. GOULBURN, dated 9th May, 1828: of a Letter written by Command of the Lords of the Treasury by Mr. DAWSON, in reference to the above Memorial, dated 19th May, 1828: also of a Memorial from the Committee of Country Bankers to Earl GREY and Viscount ALTHORP, dated 12th June, 1833.—On the Motion of Mr. O'CONNELL, an Account of the Nature and Amount of all Taxes Repealed, since the 1st January, 1814: and of those Taxes which have been only partially Repealed within the same period.—On the Motion of Mr. HUME, an Account of the Places of Burial belonging to each Parish under the Authority of the Bishop of LONDON, within the Bills of Mortality: also of such as belong to Dissenters.—On the Motion of Mr. ROEBUCK, the Amount of Sums subscribed by Nominees, now dead, of Life Annuities, or Tontines, created in Ireland, in 1773, 1775, and 1777: also the Amount at present paid to the surviving Nominees in each Class, in 1802, 1812, 1822, and 1832, upon the Sums originally subscribed by them.—On the Motion of Mr. Lowther Chapman, Copies of a Correspondence between Sir William Gossett, and different Individuals relative to the Levying of Tithes due only on the 1st of May last.

Bills. Read a third time:—Exchequer Bills.

Petitions presented. By Mr. Abercromby, from a Congregation in Edinburgh, against Slavery.—By Mr. Murray, from the Incorporated Tailors of Edinburgh, for Alterations in the Royal Burghs (Scotland) Bill; from the Merchants' Company, Leith, for Separating the Dock and Harbour of Leith in its Management and Revenues from Edinburgh; from the Shipbuilders on the Frith of Forth, against the unequal Taxation on Shipbuilding Materials.—By Sir William Molesworth, from Buckland and Monachorum, against the Tithes' Commutation Bill; and for the Exclusion of the Bishops from the House of Lords.—By Sir Richard Simeon, from the Licensed Victuallers of the Isle of Wight, for Extending to them the proposed Measure of Relief from the House Tax.—By Mr. Cobbett, from Merthyr Tydvil, to be Relieved from the Burthen of Taxation; from certain Inhabitants of Marylebone, for an Alteration in the Currency; from certain Individuals of Manchester, for Extending the Right of Voting to all Householders; from the Political Union of Chatham, for an Inquiry into the Case of Richard Newsham; from the Cartwright Club, for Universal Suffrage, and Vote by Ballot; from Salford, for an Address to his Majesty, for the Dismissal of his present Ministers.—By E. B. Clive, from Hereford, for an Inquiry into the Management of the Funds of the Corporation of that City.—By Mr. Dobbin, from Armagh, for the Amendment of the Reform of Parliament (Ireland) Act.—By Mr. E. J. Cooper, from Sligo, for the Repeal of Act 9th Geo. 4th, cap. 88., and the Amendment of Act 10th Geo. 4th, cap. 41, for the Regulation of the Butter Trade.—By Mr. Barnard, from such of the Trades of London, Greenwich, &c., as are connected with the Sugar Refining Trade, for such Alterations in the Laws respecting Foreign Sugars as will enable the Refiners of this Country to compete with Foreign Markets.—By Sir Robert Price, from Pembridge, against Slavery.—By Major Beauclerk, from a Dissenting Congregation, Horsham, for Relief from their Grievances; from the Brewers of Surrey, to place the Retailers of Beer on a Footing with the Licensed Victuallers.—By Mr. Ryle, from the Medical Men of Macclesfield, against the Apothecaries Bill.

HOUSE AND WINDOW TAXES.] Colonel *Evans* presented a Petition from the inhabitant householders and other persons of the parish of St. Ann, Westminster, for the Repeal of the House and Window Taxes. Seeing a Member of his Majesty's Government present, he would state his conviction, that if the House did not immediately pass a measure for the repeal of these obnoxious taxes, which fell so heavily on the great mass of the industrious inhabitants of the metropolis, the want of confidence, and the breach between the people and their representatives, would become as great as it was now supposed to be between two branches of the Legislature. The petition, he believed, represented the sentiments not only of the parish from which it came, but of the whole population of London. He had the highest authority for saying the Assessed-taxes were most obnoxious; the noble Lord opposite having himself voted for the repeal of them when out of office.

Lord *Althorp* said, he had voted against them, but not advocated the repeal of these taxes.

Colonel *Evans* found the name of the noble Lord in several lists.

Lord *Althorp:* I believe not—the gallant Officer must be mistaken.

Colonel *Evans:* Whatever might be the noble Lord's opinion, the taxes always would be obnoxious while the industrious part of the metropolis groaned under the oppression of their inequality. For instance, Northumberland-house was rated at 1,500*l.* and paid 4½*d.* per square foot, while Lord Burlington's, which occupied about the same space of ground, was rated at 1,300*l.* and paid only 2½*d.* the square foot. Lord Londonderry paid 2*s.* 6*d.* per foot, and Mr. Baring only 1*s.* 3*d.*; and he was sure Mr. Baring was as well able to pay his share of taxation as the noble Marquess; and although he was a Tory, it was very hard to make him pay so much more than he ought. Again, the proprietors of new theatres were made to pay for the same space of ground which had been previously occupied by private houses. He could not conceive on what principle this system of inequality was carried on; to him it appeared the most absurd thing on the face of the earth. He now came to the Bank of England, which was rated at 1,673*l.* a-year; Drummond's banking-house being rated at 800*l.* Indeed, the more humble the dwelling, he found they were rated the higher. He found that all the banking-houses were rated at about 300,000*l.* or 400,000*l.* [Lord *Althorp:* Half a million.] Perhaps it was as much as half a million. There was a very moderately-sized house at the corner of Cockspur-street, that was occupied as a shop by Messrs. Halling, Pearce, and Stone, which was rated at one-half of Northumberland-house—viz. 750*l.* a-year. He found that the rates fell most unequally on innkeepers, who were certainly not in a flourishing condition, and were moreover put to a very heavy expense. While Northumberland-house was rated at only 1,500*l.* a-year, Morley's Hotel, which was a small house on the opposite side of the way, only about twenty yards in extent, was rated at 600*l.* A small shop at the corner of the Lowther-arcade, was rated at 7*s.* per foot, while Northumberland-house paid but 4½*d*. Again, next door to Northumberland-house was a grocer's shop which was charged at 7*s*. per foot. He asked, with these instances of inequality before them, was it possible for the people to submit to the House-tax? He did not wish the great mansions to be charged at any excessive rate; but if they were charged equally, in proportion with the humbler tenements, Burlington and Northumberland houses would be rated at 20,000*l*. or 30,000*l*. He wished for no disparity; but if there were to be any, let it be in favour of the poor, and not of the rich. He had already mentioned the peculiar hardship with which these taxes fell upon tavern-keepers; and in reference to that part of the subject, he would add that the mansion of the Duke of Norfolk, in St. James's-square was rated at 1,000*l*., being precisely the amount at which the London Tavern was assessed. Then, with respect to the country, at Brighton a moderate-sized linen draper's shop was rated at 160*l*., whereas the fine mansion of a noble Duke, at that place, was assessed at only 200*l*. a-year; notwithstanding which, the value of the former house was not more than 5,000*l*., whereas that of the Duke's was 20,000*l*. The Albion Hotel, at Brighton, was rated at 1,000*l*., while the house of a noble Marquess near it was assessed at only 410*l*. There seemed indeed to be a great delicacy observed towards the rich in the scheme of these capricious assessments. He would mention a still more marked instance of inequality, for which no possible justification could be assigned. There was a grocer's shop at Brighton rated at 160*l*., while the mansion of Lord Chichester, four miles from the town, was rated at only 60*l*. He contended that these unequal assessments ought not to be submitted to. Then with respect to surcharges: promises were held out by the noble Lord which led the people to expect that a great reduction would be made in the House-tax; and that the question of surcharges would be strictly examined into. In the very zenith of the hopes of reduction, all the surcharges were persisted in. The mode, too, of surcharging was most oppressive and injurious. In St. Paul's, Covent-garden, for instance, there were but 500 rate-payers, out of whom no less a number than 374 had been surcharged, and more than 100 of them compelled to seek redress in the Court of King's Bench. He would remind the House and the Government, that this was not a temporary clamour, but had been earnestly pressed for the last twenty years. Certainly so many demands had not been made upon the attention of the House recently, because the people had been told by their representatives to wait for a Reformed House of Commons to redress their grievances; and that, when a Reform in Parliament had taken place, the repeal of these taxes would speedily follow. But the country was not so easily to be deluded, for he could inform the House, that this was a subject on which men's minds had long been made up. Many of the newspapers had expressed a great deal of concern for the existence of the present Ministry, and had said that the country would be threatened with a revolution if the Whig Ministry was defeated in another place upon the Irish Church Bill; but he believed, if Government would not relax some of these burthens upon the people, the people would rather see them go out; and he could assure the Tories, that if they were willing to pledge themselves to a repeal of some of the most odious taxes, they might take the reins of government with perfect safety. The returns of the assessment of 100 houses in the metropolis, and of 100 in the country, were not so made as to give the information desired by him at the time he moved for them. The question was not, as had been assumed, one of contest between the town and the country; for, from the information he had received, the interest was nearly as great in the country as in the town. He knew a professional man in the country, who, by extreme exertion, made 1,000*l*. a-year; he was rated for a merely comfortable house at 100*l*. per annum, while several splendid mansions in the same neighbourhood were rated at only 200*l*. a-year each: two or three of them occupied by gentlemen possessed of incomes of 10,000*l*. per annum. The return of country houses had been made up to a large extent for houses in large towns, instead of those in the country. By presenting the petition, he hoped still more to direct the attention of Government to the necessity of repealing these taxes, and of pausing before they came to any final determination to the contrary.

Lord *Althorp* said, he had attended in consequence of the notice he had received from the hon. and gallant Colonel of his intention to present this petition. With reference to the variation existing in the amount of house-duty paid by certain houses which had been enumerated by the gallant officer, he begged to remind the House, that the principle of rating was founded upon the amount each house was supposed to be worth at a yearly rental. The surcharges alluded to were the natural consequences of an attempt to equalize the operation of the tax, which could only be effected in that way. With regard to the allusions which had been made to the circumstance of his (Lord Althorp's) votes and previously expressed opinions, it would be in the recollection of the House that he had never supported the idea of repealing the whole of these taxes at once. He had always contended that there ought not to be a surplus revenue kept up for the purposes of the State, but then, when the repeal of one tax was impracticable, he would vote for the repeal of another. He had never voted for the repeal of them altogether, but separately, and by such a course he did not think his consistency could be much injured. That a tax was extremely unpopular was certainly a strong reason for its repeal, but it was not right to allow of such repeals as would effect a serious diminution of the revenue.

Mr. *Cobbett* said, that the noble Lord might have heard it stated by the hon. member for Durham that one-third of the inhabitants of that town were surcharged. The House would also recollect the case of the Duke of Newcastle. His Grace was rated at no more than 800*l.* for Nottingham Castle. That castle was burnt down, and he recovered, by an action in the Court of King's Bench, the value of the castle, which was then stated to be 21,000*l.*

An *Hon. Member*, who lived in the county, said, that the rating of 800*l.* was on account of the castle being then uninhabited, but it was thought by a Jury that the castle could not be rebuilt for a less sum than 21,000*l.*

Mr. *Cooper* said, he was of Tory principles, and he could assure the hon. and gallant member for Westminster, that no alarm need be apprehended of the Tories taking office under a pledge to reduce taxation in a way injurious to the public revenue.

Mr. *Robinson* did not thing that any Government could effect a sufficient deduction in the taxes so as to be felt by the public, and fully to satisfy them; without a general commutation. The fault of the whole system was that those persons were the most taxed who were least able to bear it. He earnestly recommended a Committee to take the whole subject of taxation into consideration with a view to equalizing them, and declared, that if the subject was not noticed by the Government, he should give notice, before the close of the present Session, of his intention to move, early in the next Session, for a Committee to revise the whole system of taxation.

Mr. *Fergus O'Connor* did not see the question in the same point of view as many other Members did; with him it appeared to be certain, that as long as the present Ministers remained in office, there was no hope for relief from taxation. The Government had come in upon the cry of Reform, and had not redeemed a single pledge they had previously made. He defied any hon. Member to show an instance to the contrary. The objection to the Duke of Wellington was, that he would not give up to popular opinion; the objection to the present Ministry was, that they conceded nothing to popular opinion; and they should always have his opposition.

Colonel *Evans* submitted that the reductions in the army and navy were amply sufficient to admit of the giving up of these taxes. With respect to the surcharges, the mere per-centage in the additional charges was 5,000*l.* With respect to the hon. Gentleman who represented the Tory party, he hoped that the obduracy of that Gentleman on the subject of those taxes was not participated in so largely by the Tory party.

Petition to lie on the Table.

UNIVERSAL SUFFRAGE.] Mr. *Cobbett*, after presenting a variety of other petitions stated, that he had also to present a petition which he was sure the House would pay great attention to, and he was sure that there was not one man in the kingdom who did not remember the name of Major Cartwright with blushes. Major Cartwright had left behind a name which a great number of persons were resolved should be always held in respect, and the petition was from the Cartwright Club. It was signed by twenty persons, and prayed for Universal Suffrage and Annual Parliaments. They had found the Reform Act did them no good, and they now wanted it to be carried further. They began by telling the House that it had no sympathy with the people. There could be no doubt that it was so—there existed no sympathy between the middle classes and the higher; and the nobility of this country made a grievous mistake when they neglected to take care of the interests of the working classes upon the occasion of the passing of the Reform Bill. Those who were the nearest to the nobility in rank naturally envied them, and the man who had money looked upon the ancient parks and castles, and listened to the sounding titles of the nobility with a feeling which alienated each class from the other. The man of money naturally said to himself, why should not I be a Lord? Not so the poor man; he was the ally of the Peer, and the interests of the higher orders would be safer in the hands of the lower than in those of the middle. Again, if they asked the working people, who were alone capable of defending the country from riots at home, or from the chances of war abroad—if they asked those people to stand forward in defence of the country, they would, of course, ask what country, and in defence of what? We have no property—we have nothing but the labour that lies in our carcases—we have nothing to defend. But give them their rights, and their language would instantly change. If he were a Lord, he would have a very different constituency from that under the Reform Bill. There would be no difficulty in taking votes with universal suffrage, and all who were called upon to defend the country, or were liable, ought to have the elective franchise. On the subject of Annual Parliaments, he could see no objection whatever either as regarded the electors or the elected. With Annual Parliaments, there would be no necessity for these now daily meetings, because to petition would be unnecessary when the Members could receive the *vivâ voce* directions of their constituents. There would be no petitions then, except on some very extraordinary matter. He thought if the King was to dissolve the present Parliament, and tell the people he should continue to do so annually, his Majesty would become the most popular of men.

Sir *Harry Verney* expressed the opinion that the constant complaints, as now represented, respecting the distresses of the people were of the most injurious tendency; they were calculated to make all classes politicians. When persons were combining, and were travelling through the country destroying property, he could not forget that the hon. member for Oldham had pointed out where the torch ought to be really applied. He declared that there was no country in which justice was so equally distributed between the rich and the poor as in this country, and he hoped that the lower classes would not be unduly influenced by the hon. member for Oldham.

Mr. *Philip Howard* would not follow the hon. Member at any length, and still less allude, as the last speaker had done, to the writings of that hon. Member; but he must say, that Annual Parliaments would represent the passions rather than the opinions of the people; under such a system canvassing would never cease, and enmities never subside; the ceaseless confusion ensuing therefrom would dry up the sources of labour, check industry, and consequently prove to be highly injurious to the welfare and interests of the working classes. Those who expatiated on the merits of the government of the United States should recollect, that in that country a portion of the population were actually in a state of bondage, and groaning under the yoke of slavery, whilst in England the peasant as well as the prince enjoyed the benefit of equal law.

Petition to lie on the Table.

HOUSE OF LORDS,

Friday, June 21, 1833.

MINUTES.] Bill. Read a second time:—Woollen Trade.

Petitions presented. By the Bishop of LICHFIELD and COVENTRY, from several Places, for the Better Observance of the Sabbath; from the Coachmen, Guards, &c., of Birmingham, against Licenses being granted to Stage Coaches for Travelling on Sundays; and from Bakewell, for the Repeal of the Beer Bill.—By the Archbishop of YORK, from Sheffield, against the proposed Measure of Church Reform for Ireland; and from Scarborough, for Amending the Apothecaries Act.

FRENCH OCCUPATION OF ALGIERS.] The Earl of *Aberdeen* thought it necessary to say a few words on a subject to which he had before called the attention of the House. Their Lordships would recollect that some time ago, in consequence of assertions made elsewhere from high authority, that the French Government had entered into no engagement whatever on the subject of

Algiers, he had moved for the production of certain correspondence and other papers, with the view of explaining the real nature of the engagements entered into by that Government. That correspondence and those papers, or the greater part of them, were now upon the Table, and he would at present say nothing more than this:—That he was quite willing to leave their contents to those principles of interpretation which had hitherto guided the judgment of men of sense, honour, and integrity. In addition to those documents, others, for the production of which he had not moved, existed, furnishing ample evidence that those engagements had been confirmed not only by the personal declarations of the king of the French, but from the mouth of his Minister. The noble Earl had said, that communications had taken place between the two Governments on the subject; and, in consequence, he had deferred bringing it under the notice of the House. He had very recently seen statements, however, from which it would appear, that all negotiation must now be considered at an end; and whatever might be his feeling regarding the papers, or his opinion of the conduct which they indicated, he wished the noble Earl opposite to understand, that he made no Motion, gave no notice of Motion, and did not even ask a question upon the subject. The noble Earl had more than once stated his opinion of the great importance of the topic; and in that opinion of the noble Earl he entirely concurred. He might indeed think that Marshal Clausel rode his hobby a little too hard, when he said, that the possession of Algiers might eventually be a source of as great wealth and power to France, as the East-Indies were to England; yet it certainly was difficult to exaggerate the advantage it would give to any European power, and above all to France. He was, of course, at all times most ready to co-operate with Ministers in what might be considered due to the honour and interests of Great Britain. That honour and those interests were in the keeping of the noble Earl; and, after the opinions expressed by that noble Earl, it was impossible that there should not have been much negotiation and frequent communication within the last two years and a-half. Reserving to himself the liberty of returning to the subject on any future occasion, he would conclude by expressing a hope, that the noble Earl would be anxious at the proper time to make full communications to the House, and to prove that the honour and interests of the Empire had not been injured in the hands of the noble Earl and his colleagues during the progress of the negotiation.

Earl *Grey* said, as the noble Earl meant to make no Motion—to give no notice of Motion—and not even to put a question, perhaps it was almost unnecessary that he should make any observations. He took it for granted, that the present remarks of the noble Earl had been called forth by the accounts published in the newspapers of what had occurred in the Chamber of Deputies. He could say, that he had also read in the papers an account of what passed; but, excepting through that channel, Ministers had not yet received any information from the British resident in Paris. The House, therefore, would not think it right in him now to enter into any discussion of the subject; indeed, on a question of this nature, resting on what the noble Earl thought a positive engagement on the part of France, it was impossible, standing in the situation he occupied, to enter into any explanation without public inconvenience. Therefore, all he could state was this:—That in this, as in all other transactions, Ministers had endeavoured according to the best views of policy they could form, to support the honour and interests of the Empire. Whenever the proper time came, for which the noble Earl very fitly reserved himself, he trusted that he should be able to show that Ministers had not been wanting in attention to these great and essential objects.

The Marquess of *Londonderry* arraigned the whole foreign policy of his Majesty's Government. With respect to Holland and Belgium, a convention had been laid on the Table of the House, and he wished the noble Earl to state whether he meant to originate any discussion on that convention, or to name any day for taking into consideration the matters connected with it. When, after sending out a large squadron, and incurring a large expense, he found that it all ended in leaving Holland and Belgium in the same situation which they occupied in October, 1832, he could not avoid censuring the course which Ministers had pursued. Again, if they looked to the east, they would find that at one time the interests of this country at Constantinople were left without any protection whatever, or, at all events, with very insignificant protection. We had no known and accredited ambassador there when measures of the greatest importance were going on. Our ambassador who should have been there, was detained six weeks at Naples, perhaps by adverse winds, perhaps by some negotiation for a higher post. When they witnessed such circumstances as these, it was impossible that he, and others who had been connected with foreign affairs, should not come forward to demand information. He would ask, had they now any organ at Constantinople to uphold the interests of this country, and to watch over the effects which passing events might have on the welfare of Europe? He believed that Great Britain was not represented at all there; and he had a right to say, that our foreign policy had been greatly neglected by the noble Earl and the present Administration. It appeared that they were entirely incapable of enabling this country to maintain that high position which she had formerly held, and which she ought still to hold, in the east. There were many points in the foreign policy pursued by Ministers, as well as that which related to Algiers, which were exceedingly objectionable. No reason whatever had been given why France should retain possession of that country; instead of uniting with those nations who could uphold the interests of Great Britain against the power of France, the policy of Ministers had been to turn their backs on those states, and to tie themselves to France. He admitted that France was as great a country as any on the face of the globe, but he wished the connexion with that country not to be too strictly bound. He could not but think, that if too closely embraced, France would be very apt to act mischievously. The embargo on Dutch vessels he considered most unjust and impolitic. It had, however, in consequence of some understanding with France, been at length removed. He wished a day to be fixed by the noble Earl for going into the whole of the foreign policy of the country, which ought to be discussed with as little delay as possible.

The Earl of *Ripon* said, it was not his intention to discuss with the noble Marquess those various points connected with foreign affairs which he had introduced, and with which he had intermingled sundry obscure remarks. It would be improper for him, after the answer of his noble friend, to enter upon any such extended discussion. He would not, in any way, touch upon the affairs of Belgium or of the east, or upon the domestic policy that Ministers had pursued, which, upon another occasion, it might be proper to advert to at length; he should therefore confine himself to one or two short remarks. It was not in his contemplation to state to their Lordships any opinion on the convention which had been laid on their Table. In producing that convention, all that was necessary had been done by Ministers; and he should be content if any noble Lord, or any Member of the other House, called for the opinion of Parliament with respect to it. If it were the purpose of his Majesty's Ministers to call for the approval of any of their proceedings, they would, of course, give their Lordships an opportunity to express their opinion. No such necessity, however, existed in this case; and consequently they were not called on to originate a motion, as the noble Lord wished them to do. The noble Lord had made remarks—first, on the individual who was now our ambassador to Turkey, and then on the Gentleman who, though not clothed in the higher rank of ambassador, had for a time performed the functions of one at Constantinople. The noble Marquess, in speaking of the delay in the arrival of Lord Ponsonby at Constantinople, seemed to think that the noble Lord might have been prevented from reaching his post because he was engaged in a negotiation for a higher and more profitable situation at St. Petersburgh. This was an insinuation on the conduct of that individual which it was scarcely worth while to answer. He had the satisfaction, however, of stating, and he was sure the noble Marquess would be glad to hear it, that there was not one word of truth in the insinuation—that it was a perfectly gratuitous assertion. Where the noble Lord had picked it up he could not conceive. As to Mr. Mandeville, who acted as *chargé d'affaires* between the recall of Sir Robert Gordon and the arrival of Lord Ponsonby, and who was accused of inefficiency by the noble Marquess, it should be observed, that he was placed in that situation in consequence of circumstances that could not be controlled; and whether he was inefficient or insignificant, he would say, that if in the course of the proceedings any thing had been done wrong, Mr. Mandeville was not the person who was blameable for it. He would put it to the noble Marquess, who, he knew, was imbued with all that honourable feeling which characterized his profession, whether it was fair to throw on persons who were absent a certain responsibility, instead of attaching it to those who were present, and who were able to defend themselves.

The Marquess of *Londonderry* said, he had made no charge against the respectable individual alluded to, nor had he persevered in the opinion that an unnecessary delay had taken place in the arrival of Lord Ponsonby. The spirit of his whole argument was, that all those transactions required the attentive consideration of that House. When they looked at the extraordinary missions of Lord Durham and Sir Stratford Canning, they would find that, though an enormous expense had been incurred, they had done no good. What results had those two missions been attended with? If the noble Earl would assist him in bringing forward the question, he would undertake to prove that, in every point of foreign policy, his Majesty's Ministers had degraded this country, and removed her from the high situation which she once held in Europe.

COLLECTION OF TITHES (IRELAND).] The Earl of *Wicklow*, before he proceeded with the motion of which he had given notice, wished that the Resolution of the House of Commons of the 18th inst., on the subject of Irish Tithes, should be read.

The Clerk was proceeding to read it, when

Earl *Grey* objected to such a course of proceeding, as the Resolution was not regularly and formally before the House, but was only on their Lordships' Table by favour.

The Earl of *Wicklow* said, he wished the Resolution to be read in order to avoid explaining to their Lordships at length its nature and object. He should now, however, explain fully the purport of that Resolution. When he came down to the House last Monday, and gave notice of this Motion, he fully believed, that the Resolution had been laid before their Lordships; and his intention on that occasion was to enter into the discussion immediately; but, on finding that the Resolution had not been communicated to their Lordships, he determined to bring the question forward on the earliest day. He might be told, that he was even now introducing it prematurely, because the subject was not yet before the House, and that the discussion should be deferred until the matter came up in the shape of a Bill or Resolution to their Lordships. He was prepared to admit the justice of that proposition on general principles, but it was by no means applicable to every case. There were cases in which it was not only expedient, but very desirable, that their Lordships should have an opportunity of discussing subjects that originated elsewhere, in the hope, when it was known in the other House of Parliament through the ordinary channels of communication, that their Lordships held certain opinions on such subjects, that the measures would be modified and altered so as to afford them a better chance of being carried in their Lordships' House. This remark applied particularly to measures of a fiscal nature; many of which might contain principles and enactments of which their Lordships highly approved, and others that they might view as objectionable. In that case, following the rules and customs of Parliament, they were obliged to reject such measures altogether, because they had not the power to alter them. With respect to the subject which he was now about to introduce, whether his Motion was convenient or inconvenient, whether it was well-timed or ill-timed, still he felt, that it was his duty to bring it forward, on this, the first day that he had an opportunity of so doing. In order to bring the question as clearly as he could before their Lordships, he called on them to consider the situation in which they were placed with respect to this important subject. Their Lordships would recollect, that at the commencement of the last Session of Parliament, this subject was considered by his Majesty's Ministers of such vast importance, that it was made mention of in his Majesty's Speech from the Throne, and in such a manner, too, that every one thought Ministers were prepared with some measure relative to it. But his Majesty's Ministers were not governed by such vulgar prejudices. They were not prepared with any such measure; but they proposed, in both Houses of Parliament, a Select Committee to investigate the subject, to examine witnesses, and to report thereon. These Committees immediately assembled, and commenced operations with activity, diligence, and ability; and each Committee made two Reports to their respective Houses. As to the first of these Reports made to their Lordships last February, he should say nothing. He had animadverted on it at the time, chiefly on account of a most objectionable term which it contained—a term which had created much evil, and caused much bloodshed; but the second Report to their Lordships, which was made in June last, contained much valuable information, and he greatly approved of it. He should take the liberty of reading one short extract (the only one he meant to read) from the Report of the Committee of the House of Commons, which had been communicated to their Lordships' House. The Reports of the two Committees were very similar, but he preferred that of the House of Commons, because it was most explicit. It said: 'That your Committee recommend that the following measure, be submitted to Parliament with the least possible delay; and, in order to facilitate their commencement, without loss of time, they think that these measures should be introduced in three separate Bills. The first is a Bill to enable the Tithe Composition Act to be enforced; the second to constitute Ecclesiastical Corporations in Ireland; and the third to make a commutation of tithes for land.' When this was made known, he asked whether it was the intention of Ministers to introduce those three Bills in that Session of Parliament, and the noble Earl and the Lord President of the Council answered most decidedly, "that it was." This occurred nearly at the end of June; and he believed that the intention of Ministers was what they had stated. One of those Bills was introduced in that House, and had passed through Parliament; but only one of them, it should be observed, had passed in the last Session. He did not blame Ministers for not doing more last Session. He did not expect them to do impossibilities; and, at the time, he thought it was impossible for them to carry the three Bills at that late period of the Session. What he blamed them for was, that during the interval between the last Session and this present 21st of June, being an entire year from the time when he put the question—not one word was said by any member of the Government in either House of Parliament on the subject. He knew he might be told that they had a variety of complicated business before them. The noble and learned Lord on the Woolsack had, the other night, with that dignity and self-complacency which became one who believed himself to be a benefactor of the State, described to their Lordships all the complicated measures, all the important State business, which had occupied the attention of Ministers. The noble and learned Lord asserted, that, to grapple with any one of those great measures would, in former years, have been deemed employment enough for any Government. They, however, retired not from these various extraordinary works—they shrunk not from these mighty labours—they could bear this world of business on their official shoulders. Although, however, they had not thought proper to introduce either of the other two Bills to which he had adverted, they had found time to concoct another measure relative to the Church of Ireland, embracing almost every subject connected with that Church. Instead, however, of introducing such a measure, it would have been better if they had redeemed their plighted faith to Parliament and the country. He would not take the trouble of reading the Commons' resolution to their Lordships, but he would state what it contained. It was, then, proposed in the other House, that the enforcement of tithes should be caused to cease altogether; that an advance of money should be made for arrears of tithes and composition of tithes, for 1831 and 1832, and for the income of the clergy for 1833; and it was intended and proposed to pay the country for this advance by an imposition of Land-tax. By this plan, the defaulters, those who had by fraud, by violence, by every mode of intimidation, exempted themselves from the payment of those just dues, would be effectually screened; while the proprietor of the soil, who had always been the assister and protector of the clergy, and who had performed his duty, would be oppressed. If they placed the burthen on the defaulters, it would be returning to the Act of last Session under a new name. It would be doing that which his Majesty's Ministers were least likely and least inclined to do —it would be flying in the face of that mountain party, which were opposed to all conciliation, before which Government was crouching and trembling, and the mischievous measures of which the Ministers, in no small degree, assisted. But it was not stated by whom this advance was to be ultimately borne—whether by the Lords of the soil in possession of the land, or by the various intermediate persons standing between him and the immediate occupier. That was not stated, because it was a great and arduous question. The resolution was bought forward, and he supposed the Bill to be founded on it would partake of the same character, in this crude, undigested, and unformed shape, in the hope that, in going through Parliament, it would be altered and improved, and, in some way or other, rendered more passable. Ministers brought their rough blocks from the Downing-street quarry, that statutes might be manufactured out of them by artists more able and skilful than themselves. The plan now proposed involved as gross a spoliation of the landowner as ever was effected by the most arbitrary government. What would be the result to the lay impropriator, now that tithes were declared to be a nuisance which ought to be abolished? No provision was made for the lay impropriator of tithes. He saw a noble Marquess on the cross-bench (the Marquess of Westmeath) who, he believed, was a great owner of lay impropriations, and he certainly flattered himself that the noble Marquess would vote with those who meant to oppose the measure. This was not the case of Don Pedro *versus* Don Miguel—no, it was a case of property *versus* spoliation; and he was convinced, that the good sense and justice of the noble Lord would lead him to vote with him (the Earl of Wicklow) on this occasion. Then, the third class of persons who would be affected by this proceeding was the clergy themselves. He defied any man who looked into the provisions of this resolution to view it in any other light than an insidious species of bribery for the Church. Ministers wished to bribe the clergy to give up that right to the soil which the Church had possessed more firmly and for a longer period than noble Lords had possessed their estates. He believed that the noble Lords opposite had never intended to enter into a systematic attack on the rights and interests of the Church; but if they had taken office in the Government for the purpose of destroying the Church, they could not have pursued more effectual means than those they had adopted. Let the House look to the whole of their conduct towards the Church of Ireland, or rather (for that was not the proper designation) that part of the Church of England which was established in Ireland, ever since they had come into office. They had permitted the Church to be plundered of its rights—they had allowed the clergy to be deprived of all the rights they possessed—the clergy were forced, in many instances, to retire from the world, overwhelmed with a degree of distress which it would be difficult for their Lordships to conceive; and at this moment, when their spirits were broken—at this moment they were offered no less than three years of arrear, for which they were to sacrifice their right to tithes—for which they were to sacrifice the interest of the Established Church. In short, they were to become a body of ecclesiastical pensioners on the Treasury of the State. It might be said, that the measure would be temporary—he cared not, he protested against it as a spoliation of the Church—nay, as a system of spoliation with reference to all classes. One class of persons was to pay the debts of a second class of persons to a third class of persons. And what was all this for? For what was the country to suffer this infliction? Why, to remedy evils that were created by the Government itself. When Ministers entered office he would assert, and he defied contradiction, that resistance to tithes in Ireland was scarcely perceptible. He knew, that there was an unwillingness to pay tithes, just as there was an indisposition to pay rent, or to pay any species of tax; but there was no more objection to tithes than to any other impost in that country. No sooner, however, did the agitators discover the sort of persons with whom they had to deal—no sooner did they find that they might cajole or intimidate them—than they commenced that system which Ministers were vainly endeavouring to remove. At what time, he would ask, was the proposed measure to be carried into effect? Why, at a time when tithes were better paid than they had been for years. The Coercion Bill was now in operation; and he approved of it, not on account of the punishment which it inflicted, but on account of the confidence it inspired. It gave to the loyal part of the community a confidence which they had long wanted, and the consequence was, that the tithes were better paid now than they had long been. A clause had been introduced into that Bill in the course of the discussion elsewhere which in some degree impaired and defeated its efficacy. He blamed Ministers for allowing it. They well knew who the parties were that clamoured for it. They were not the Representatives of the people, but the Representatives of priests and demagogues, selected from bullock-sheds, attornies' offices, and clerks' offices in the country. He was most friendly to the Church, but not as contradistinguished from any other class of men, for he wished to preserve the rights of all classes. If he had spoken more on the subject of the Church than others, it was because the Church had been ill-treated and had suffered much; but he never was anxious for the relief of the Church, much less for the bribery of the Church, by violating the property or injuring the rights of others. It might be said, that he was almost the only individual who had raised his voice against this plan, which had passed, as they learned through the medium of the Press, by an exceedingly large majority. Now, he certainly felt great respect for all the votes of the other House; if they declared that the Malt-tax was a nuisance, and should be abolished, he respected their vote; and if, the next day, they agreed that it was not a nuisance, and ought not to be abolished, still he respected the vote of that hon. House; in short, he respected all their votes. But he confessed that he felt no small degree of surprise when this plan was introduced to the House of Commons, that no man of landed property in Ireland (for there were in the House some men of landed property, notwithstanding the Reform Bill), rose and solemnly protested against it. This Resolution, however, had not yet passed into a law, and he ventured to say, that even in the other House of Parliament the measure would still be well considered and strenuously opposed before it came into their Lordships' House. When it came before their Lordships, he should do his duty. It was a measure fraught with injustice and cruelty, and he should oppose it in every stage. He moved "for a return of all sums collected by Government under the Act of last Session to facilitate the payment and recovery of tithes in Ireland."

Viscount *Melbourne* said, that the speech of the noble Earl who had just sat down afforded in itself a convincing proof of the impolicy of entering into a discussion on a matter which was not fully before the House. If the noble Earl had waited until the subject had been brought forward in a defined shape, he would have avoided some of the errors into which he had fallen on this occasion. The noble Earl had laid great stress on the words relating to the unfortunate subject of tithes used in the Report of one of the Committees which had sat on that subject, and had contended, that the words "extinction of tithes" had been productive of much strife and bloodshed. He (Viscount Melbourne) denied that those words had been productive of any such effect. It was, he admitted, true that they had been made a pretext for passive resistance to tithes by those who, if such words had never been used, would have found other pretexts to offer the same resistance; but it was impossible that any one could have been deceived as to the sense in which those words were used. It would be perfectly clear to any one who took the trouble of reading that part of the Report, and who took it in context with what preceded and followed, that the words "extinction of tithes" were not used as intending to convey the idea that such a measure had been already decided, but that it was merely referred to as a measure in prospect. If, however, an isolated expression of a Report were thus taken without reference to the import of the whole, it would be impossible to guard against misconstruction with respect to any public document. The noble Earl had complained, that of the three Bills which the Government had promised to introduce as the result of the Reports of the Committees, only one had yet been introduced; but any man, looking with candour and impartiality at the circumstances of the country, would find in those circumstances a sufficient justification for the course which Government had adopted. As to the second of the Bills, there had been so much opposition raised on the part of the clergy, that Government had not only refrained from bringing it in, but had given up the measure altogether. The noble Earl had dwelt much upon the self-complacency with which his noble and learned friend on the Woolsack had announced the intention of Government to introduce these measures. On this subject he would only say, that if personal allusions were to be made, and if the manner of noble Lords and their way of delivering their remarks in that House were to become the subject of criticism and comment, the practice must lead to sarcastic recriminations, which it would be as well to avoid. He (Lord Melbourne) was not disposed to deal in any such; but when the noble Earl talked of self-complacency, he could not avoid remarking that the same complaint would most readily apply to the noble Earl himself; for certainly Narcissus, when he surveyed himself in the fountain, was not more enamoured of the graces of his person, which he found were much greater than he had imagined, than was the noble Earl of himself when he found himself addressing their Lordships on this subject, and with greater eloquence than he had thought he could have brought to it. But he would not proceed further with this topic—remarks of this kind he was not fond of indulging in, and he would not pursue them. They brought to his mind the observation of the philosopher of old, who found himself brought into controversy with a talkative fellow. He observed, "I shall not keep up a contest of this sort with you, for I find we do not meet on equal terms. You are fond of using such language, and are accustomed to hear it, but it is disagreeable to me to hear, and it is beneath me to reply to it." The noble Earl had taken the opportunity of inveighing against the measures of Government, even before they were brought in any regular and defined manner under the consideration of the House. He had called them rough blocks of stone, taken from the quarry of Downing-street, which were to be brought into shape by the skill of other artists. Now, would it not have been candid in the noble Earl to have waited until he saw the shape in which those blocks would be brought before the House before he condemned them? It was not the practice of noble Lords, however much opposed to the measures of Government, to attack those measures until they were brought in some tangible shape before the House. He admitted that the measure which Government had introduced last year with respect to tithes was a fair subject of animadversion. That measure was a transfer of the arrears of tithes to the Crown, in the hope that the passive resistance, as it was called, which had been made to their collection would not be continued when they were considered as debts to the Crown. That measure had not answered the expectations which were conceived of it. Of the whole sum of 140,000*l.* there had been only 12,000*l.* collected, and that at an expense exceeding the amount. Under these circumstances, and in the hope of putting an end to the disputes so constantly recurring in the collection, it was thought better to introduce this measure, which it was hoped, would have the effect of altogether putting an end to that resistance to the payment of tithes which had always existed in Ireland. This was to place the tithes as a tax on the land. The noble Earl had asked what was to become of the landlord—who was to undertake the payment of tithe? Why, he would get it from the tenant. [The Earl of *Wicklow:* How?] By the ordinary operation of the law; it was intended that the landlord should have a claim against the tenant for the amount of the tithe. By this means it was hoped that the tumults and disorders at present consequent upon the collection of tithe would be altogether avoided. It was complained, that the police had been employed in the collection of tithes. If it were so, it was against the Act of Parliament. They might be employed to serve processes for the recovery of tithe, but they could not be legally employed in its collection; but, of course, if there arose any tumult or disturbance in the collection, it was to be expected that they would be called in to restore order. The noble Lord asked what was to become of the lay impropriators? The lay impropriators were to have the same advantages as the clergy with respect to the payment of the tithe by a tax on land. But the noble Earl complained that the clergy were to be called upon to surrender their rights, which were as stable as the land on which their claim existed. He (Lord Melbourne) hoped the religion of the Protestant would always remain stable; but he feared that he could not say that the tithe had the same stability. The noble Earl asked why this measure should be brought in at the present time; he would ask in turn how it could be delayed any longer? He thought the time was now arrived when the Government was called upon to take some step towards settling a question which had for so long been the fertile source of so much tumult and disorder in that country. But it was said, that the feeling of resistance to tithes had gained ground since the accession of the present Administration to office, and it was more than hinted that the increase of the "passive resistance" was owing to that accession. He would not enter into the discussion of how far the resistance had gained ground in consequence of the accession to office of the present Administration. The noble Earl had given it as his opinion, and no doubt it was sincere, but he (Lord Melbourne) must deny that the present Government had done any thing to increase the opposition to tithes. It was, he repeated, time that this question should be viewed in a statesmanlike manner. It was due to the Protestant Establishment that the question should be placed on such a footing as would prevent that ill-feeling towards it which the collection of tithe had generated; it was due to the Catholic majority of Ireland that they should be released from those vexatious proceedings, which were, in present circumstances, almost unavoidable; and it was due to the Protestant majority of the empire to place the Establishment on a sure foundation. The situation of Ireland, with respect to the collection of tithes, was unparalleled in the history of nations. That system had given rise to turbulence and disorder, which, for the security of the empire, it was necessary to put an end to by some means; of course, the first duty of the Government was to put down turbulence, to restore peace, and then to legislate against the recurrence of that disorder and turbulence as far as they could. Let him call the attention of their Lordships for a moment to the combination, he might call it, which the Government found opposed to them on this subject. They had, first, the Catholic hierarchy; they had the majority of the Catholic gentry, and nearly the whole, if not the whole of the farmers. They had also the Catholic priests—he would say with some highly honourable exceptions; but besides those whom he had named, there were also many of the Protestant gentry—some of them presiding at anti-tithe meetings, and some proposing anti-tithe resolutions, inculcating passive resistance to their collection; and when there were found many Protestants thus openly taking a part against the payment of tithes, it was not unfair to presume that there were many others of the same class who in feeling were disposed to object, though they took no active part on the question. But let him add, that with this opposition, the Government found no very cordial support from that party which was called the Conservative. That party, seeing the turn which the public mind had taken on the question, were too much disposed to look after a little share of popularity as opposed to Government to take an active part in upholding a system towards which they still avowed themselves favourable. It was unnecessary for him to say that these circumstances had placed Government in a situation of no inconsiderable difficulty, and such as required the most serious deliberation. They had, as the result of that deliberation, determined upon bringing forward the measure which had been sanctioned by the adoption of the resolution proposed to the other House of Parliament. The measures which would be consequent on the adoption of that resolution were not yet in a state to come directly under the consideration of their Lordships; but he trusted they were such as would be approved of when they did come before them. At all events, he did hope that noble Lords would wait until they were before them in that shape in which alone they could enter into a full discussion of their merits.

The Duke of *Wellington* said, that if the noble Viscount who had just sat down had entered into any satisfactory explanation of the measures which it was the intention of Government to adopt on this important question, he should not have felt it necessary to offer a word in reply to what had fallen from him; but in the whole of what the noble Lord had said he found no explanation at all. He found that the tithe due to one body of men was to be compensated by a tax on another. That, no doubt, was a simple proposition; but this was what his noble friend (the Earl of Wicklow) complained of, that no explanation was given of how this was to be done. The noble Viscount got up to answer his noble friend, but he would defy any of their Lordships to understand more from the noble Viscount's speech than the statement that the case was as his noble friend had stated it. It was said, that tenants-at-will, and some others who held lands by particular tenures, were liable to pay the tithe to the landlord, and that he collected it, and not the clergy. It was forgotten, however, that by the Act of the last Session the clergy could not collect the tithe. If the Government intended to repeal that Act, the clergyman might proceed to collect his tithe, if he could, after all that had taken place on the subject. The noble Viscount had not given any explanation on this subject, because, in fact, he did not know what the Bill stated, or what was intended to be done with respect to it. The Resolution which had been submitted to the other House was, as it now stood, that a land-tax should be levied for the payment of tithe; but who was to pay it? Who, he asked, was to pay it? Was it the landlord? He would beg of noble Lords to consider what would be the effect of asking the landlord in this country to pay the tithes on his land for three years. It was calculated that the average of the tithes in Ireland did not amount to more than 2*s.* the acre. He would ask—and he was aware that some of the noble Lords opposite possessed an immense extent of land in Ireland—what landlord of that country was now ready to pay the tithes of three years—to pay to the amount of 6*s.* or 7*s.* per acre on his land? But suppose the landlord consented to this, he wanted to know by what authority the landlord was to collect this money back and repay himself? Was it in the shape of rent, or was it a separate charge, and to be collected with the same legal authority which the clergyman had for his tithe? These were points which the noble Viscount had left untouched, but which, if he had explained, their Lordships would have some notion of the nature of the measures intended by the Government. Their Lordships, in looking to that part of the Resolution which placed the tithe as a tax on the land, could not omit from their consideration the fact of the different tenures by which lands were held in Ireland. There were holders of lands for lives, and for leases of years, and for other different terms; but how those parties were to be affected by this measure the noble Viscount had not said one word, so as to remove the doubt and anxiety which must exist as to the situation of every kind of property in that part of the United Kingdom. The noble Viscount had stated to their Lordships the great difficulties which had attended the discussion of this subject of Irish tithes. He was aware of those difficulties, and if he had any doubt on the subject, he had only to refer to the large volume which had been laid before the House last year, to show, that those difficulties had grown to their present extent in consequence of the neglect of his Majesty's Ministers in the first year of their accession to office. The opposition to tithes in Ireland at that period was trifling; but such as it was, if the Lord-lieutenant of Ireland, instead of pardoning those who had been convicted of presiding at anti-tithe meetings, and of moving Resolutions inculcating passive resistance to tithes, so that none should be paid unless by the compulsion of legal process—if, he repeated, instead of allowing such parties to escape with impunity—if, instead of promoting the great agitator in his profession—the Government had inflicted upon him the punishment due to the offence of which he had been convicted—if others also guilty (and it was well known who they were) had not been allowed to escape with impunity, the Government would not have seen that general opposition to the tithes of which they now complained, nor would they be placed in those difficulties in which they now found themselves. Let them look to what had been stated by the Archbishop of Dublin, a prelate who was friendly to the present Administration, and of whom the Government had a very high opinion. That most reverend Prelate attributed a great share of the resistance to tithes to the opposition of a Catholic clergyman of high influence and great importance with those of his own persuasion; who, in one of his letters on the subject, objected to tithes as a provision for the Protestant clergy. All these things the Government had passed over, and yet they now came to Parliament and said, "Oh, the state of the country is such—the opposition to tithes is so general, and has always been so general in Ireland, that we must be excused for not having taken measures to put that opposition down." It could not be denied, that the great opposition to tithes began in November, 1830—after the accession of the present Administration to office. In March, 1831, he took occasion to remind the noble Earl opposite, that the Proclamation Act would expire at the close of the then Session of Parliament. The noble Earl stated, that he was aware of that fact, and, that it was his intention to renew the Act before the end of the Session. The Government had, however, thought proper to dissolve the Parliament in April, and there was then no time to renew the Act. The Parliament met again in June, but not a word was said about the renewal of the Proclamation Act—not a word said about tithes or the opposition to their collection, which was still going on in Ireland. They were, it was true, told of disturbances which occurred in Roscommon and in some other places, but the same silence was still observed as to the cause. In the month of November, when Ministers must have agreed as to the words which were to be put into the mouth of the Sovereign, the affair of Captain Graham was known in London, but still no notice was taken on the subject until the unfortunate words which were inserted in the Speech from the Throne in December, when his Majesty was made to recommend the consideration of the question of the state of the Church in Ireland—if, during the whole of this time, the Government, instead of remaining passive, had acted with firmness in putting down the opposition to tithes which was going on in Ireland, they would not now be placed in a situation which obliged them to call on the country to give compensation to those whose property was, he might say, destroyed, by the levy of a tax on the property of another class of his Majesty's subjects. It was stated by the noble Viscount, that various classes of persons had joined in this conspiracy or combination to resist the payment of tithes, and, amongst others, he charged some of the Protestant gentry of Ireland as being in the number of the parties so combined. He (the Duke of Wellington) was but little acquainted with those secrets, and in the Report of the Committee he saw little to bear out the charge; but he must say that if such men were found engaged in such transactions, they now saw the consequences of their own acts. They saw that if they deprived the clergy of their property, they themselves would be taxed to make it good. Their Lordships would, in a few days, be called upon to consider a proposition for giving compensation to a large class of individuals who were to be deprived of their property; and he would beg of their Lordships to consider, and to impress the same thing on their neighbours, that if they deprived others of their property, they would as an almost necessary consequence lose their own. But he was sure that the noble Viscount was mistaken in the ground of his charge against some portions of the Protestant gentry. He was sure that they had too much attachment to the Church and to the security of their own property to join in any measure to deprive the clergy of theirs. He would not take up the time of their Lordships further on this subject, but would in conclusion express a hope that the noble Lords opposite would give the House some explanation on this subject.

Viscount *Melbourne*, in explanation, said, that he had not charged the Protestant gentry generally with taking any part against the payment of tithes to the clergy; what he had said, was, that many of them had done so; and when they found some thus publicly avowing their opposition, it was not unfair to assume that there were many others of the same class who were favourable to the same cause.

Earl *Grey* said, that when the noble Earl (Wicklow) gave notice of a motion on this subject, he (Earl Grey) did not understand that it was for the sake of division, but discussion. He had asked himself what object the noble Earl could have for introducing such a discussion under such circumstances, and the only answer which his ingenuity could suggest was, that it would furnish the opportunity of dealing out reproach and invective against the Government, though without any real ground on which to go. In that conjecture he was fully borne out in what occurred in the course of the discussion. There could, the noble Earl must have been aware, be no objection to the Motion. There could be no difference between them as to the production of the account for which he moved; yet, as if it were a Motion to which the Government was decidedly opposed, the noble Earl had largely availed himself of the opportunity which it gave him to utter a long string of invectives against the Administration. In that he was followed by the noble Duke, who complained that his noble friend (Lord Melbourne) had not explained the details of the measure of Government; though, as it appeared to him, neither the noble Duke nor the noble Earl had stated very clearly what it was they wished to have explained. That, however, was an unavoidable consequence of the course the noble Lords had adopted of discussing this important question in its present state. Had the noble Lords waited until the Bill was before the House, they would have seen all its details, and the provisions made to carry it into effect, and they would then have had a fitting opportunity of stating their objections. Under the circumstances in which the discussion was brought on, he felt a difficulty in going into the details of the measure to which it in part referred; for though he had a distinct view of those details, he felt the difficulty of laying them before the House, as the Bill itself was not before them. Had he himself chosen to enter upon such details before the Bill was in that state which would bring it regularly before the House, he should have been met by a thousand objections, and have been told that the House could not judge well of them until they had the Bill. However, as the discussion was thus prematurely, and for their Lordships generally, inconveniently forced on, he would, in as brief a way as he could, give a detail of what it was that Ministers intended to propose in the Bill; but, before he did this, he would advert to some of the topics introduced by the noble Lords opposite. The noble Earl and the noble Duke had argued as if they had now almost for the first time heard of opposition to tithes in Ireland, as if such opposition were new in that country; whereas it was as notorious as anything connected with Ireland, that the opposition to the payment of tithes in that country was as old as the memory of man. He would appeal to the noble Lord who sat on the Woolsack next the Table, and who was well acquainted with the state of feeling in Ireland, whether there had not, in the whole time of his acquaintance with that country, been a strong, he might say systematic, objection to the payment of tithe, not under one, but under many administrations? But that opposition had been allowed to accumulate till it came to a point, and burst forth under the present Government in a manner which could no longer be resisted. Why, he would ask, when the noble Duke was in office, and when the question of tithes had been forced on the attention of Government, and when a Bill was brought in by which much might have been done, why had not the noble Duke at that time taken some steps towards settling the question? Would it not have been much less difficult to have done so at that day than at the present time? The avowed opposition to the payment of tithes began before the noble Duke quitted office. [The Duke of *Wellington* observed, across the Table, that it was later.] He hardly thought he could be mistaken as to the time; but was it not a fact that there was in the county of Clare, a spirit of opposition to the Government? Was that opposition not in any degree connected with tithes? It was said, that the Government did not take any steps to assert the authority of the laws, and to put down the resistance to tithe. He contended that it had; but he had to complain that the efforts of the Government were not supported by those from whom they ought to have expected support, if their actions were to conform to their professions. He did not speak of any conspiracy against the Government, but it could not be denied, that there existed in that country two parties, each opposed to the other, and both to the Government, which did not allow the one to domineer over the other. These were, no doubt, sources of annoyance and of difficulty to the Government; but neither by these, nor by the exertions of any agitators, was the Government so thwarted as by those who, professing to take no share in the open hostility of party, overlooked the real interests of the country, in order to harass and embarrass Ministers. This, unfortunately, was not a new ground of complaint for a Minister; the same complaint was made by the noble Duke himself, who, on the subject of the Catholic question, expressed his regret that he should have been opposed by those from whom he had a right to expect support. He (Earl Grey) might with justice make the same complaint, that the measures of Government had been opposed by some of those from whom, if he were to judge of them by their professions, he should have expected support. He repelled, as he could with confidence, the charge that the Government had not proceeded with the sentence against the agitator whose influence was so great in Ireland, and who was calculated to acquire great influence by his eminent talents; but when the noble Earl and the noble Duke complained that the sentence was not passed upon the hon. and learned individual alluded to, they should recollect that the Proclamation Act under which he had been tried had expired with the Session, and that legally the sentence could not have been passed. That was the plain and simple reason why it had not been. The noble Duke was perfectly correct in his recollection of what he (Earl Grey) had said as to his intention of renewing the Proclamation Act in the Session of 1831; but at that time he could not have anticipated the necessity of dissolving the Parliament. The dissolution then prevented him from carrying his intention into effect. After the new Parliament had met, he would appeal to the recollection of noble Lords, whether the appearances of circumstances were not such as to hold out a prospect that the government of Ireland could have been carried on by the ordinary operation of the law, and without the aid of the Proclamation Act? There were circumstances which induced him to hope, that the ordinary operation of the law would be sufficient to preserve the peace of Ireland without having recourse to that measure. Unjust as this accusation was against the present Administration, what was it when compared with the accusation of the noble Earl, repeated by the noble Duke, which charged them with framing all their measures respecting Ireland with a view to secure the favour and support of a single individual? If the memory of the noble Earl was so short, could not the noble Duke recollect that an Act had been recently passed, which some were pleased to entitle an Act for the coercion, but which he would denominate an Act for the preservation of the tranquillity of Ireland? Was that an Act calculated to secure the favour of the individual to whom the noble Earl and the noble Duke had alluded? Did they suppose that the measures adopted subsequently to carry that Act into operation were directed to that object, or were likely to produce that effect? If the views of the Administration were such as the noble Earl was pleased to represent them, they must indeed be extraordinary managers to take such measures as they had taken to carry them into execution; for the return which they had received from that individual for their repeated courting of his favour, if they had courted it, as the noble Earl averred, was to be described by him as a brutal, bloody, and ruffianly Administration. He was prepared, and so were his noble colleagues, in the discharge of their duty, to meet the enmity of that individual, and not only of that individual, but also of those individuals, who were diametrically opposed to that individual (Mr. O'Connell) in politics, but who had nevertheless united with him to overturn the present Administration without the slightest regard to any considerations of what was necessary to support the peace and to promote the real interests of the country. This topic brought him to the consideration of the question—which he would not say was then before their Lordships, for it could not be regularly brought before them until the Bill came from the other House of Parliament—b t which had been made the subject of the discussion of that evening. The speech of his noble friend near him had relieved him from much of his difficulty, and he therefore hoped that he should not be under the necessity of detaining their Lordships long on the present occasion. In the first place, with regard to the Report of the Committee, the noble Earl had complained that, of the measures which those Committees had recommended, only one had been adopted. That one, however, was admitted by the noble Earl to be, of the three measures recommended by the Committee, that which was likely to produce the most instantaneous and immediate effect. It was a measure for the permanent and universal composition of tithes. When that measure was carried into effect, as it would be on the 30th of next November, the payment of tithes by those who were merely tenants-at-will would cease and determine. By this Bill, if the inducements contained in it should lead the landlords to take upon themselves the payment of tithes by composition, all the payment of tithes by those who were the mere occupiers of land would cease. It would be part of this Bill to extend to the close of the present year the option which was now conceded to the landlords of Ireland of taking upon themselves the composition to which he had adverted. As to the second measure recommended by the Committee, he had no hesitation in saying, that it was found so generally objectionable even by those persons for whose advantage it was specifically intended, that it was matter of policy and discretion to abandon it altogether; and with regard to the third, there could be no inconvenience, whilst there actually was some convenience, in delaying it till the full effect of the Composition Act was known and ascertained. Their Lordships came then to the consideration of the measure now before the other House of Parliament. The noble Duke had said, that this was the abolition or extinction of one species of property, which was to be compensated by the imposition of a tax upon another. Here, again, he had to lament that the noble Duke had not waited for the Bill, before he made his remarks upon the provisions of it, for he was sure that if the noble Duke had seen it, he would have formed a very different opinion of this property, which he said was to be abolished. The noble Earl had said, that the Bill made one class of persons pay the debt of another to a third class, to the general loss and ruin of them all. Now, what was the real state of the case? There were, at present, arrears of three years' tithes due to the clergy of the Protestant Church of Ireland, and this Bill proposed to abolish the claims which the clergy had to those arrears—not, be it understood, their title to tithes—by the payment of those arrears in money. That was the object of the Bill, and he could not refrain from expressing his astonishment that those noble Lords who were always declaring—and, he had no doubt, declaring sincerely—their anxious concern for the clergy of the Protestant Church of Ireland, should come forward, on the present occasion, to denounce this measure as an act of spoliation, when it was avowedly intended for the relief of those of whom they were always professing themselves the steady friends and the unflinching defenders. He was not in the habit of indulging in large professions; but on this subject, as on many others on which those who called themselves the supporters of the Church differed from him in opinion, his sincere object was to give all the security which he possibly could to the Established Church of Ireland. The clergy of that Church had a clear and indisputable title to that property in tithes which was theirs by law. Here he would admit, without disguise, that he thought that it was no inconsiderable objection to the measure that it proposed to recover for the proprietors of tithes that to which they had a right, by other means than the ordinary process of the law. It was an evil undoubtedly, but it was an evil arising out of the necessity of the case; and that consideration led him to put this question to the noble Duke—whether he was willing to leave the collection of the arrears of tithes now due to the clergy of Ireland to the ordinary process of the law as it now existed? What was the situation in which the clergy were placed at present? He confessed that he had entertained hopes that the measure which he had proposed last year would have succeeded. He had hoped that when, by the adoption of that measure, Government had displayed its determination to collect the tithes, there would have been a general acquiescence in the propriety of its decision. Such hopes, he repeated, he had entertained, but he was sorry to say that they had been grievously disappointed. The measure had certainly not produced the effects which he had anticipated. Out of 104,000*l.* due to the clergy for arrears of tithes, not more than 12,000*l.* had been collected under the act of last year, and that, too, at an expense exceeding the sum collected. On this subject he had a statement to make to their Lordships, which he had had some delicacy about making on a former occasion; but, when he was pressed by unfounded accusations, he must state what was necessary for his own vindication; and, however unpleasant the truth might be to some parties, it must be promulgated on the present occasion. What, he would ask, was the Government to do in the peculiar circumstances in which it had been recently placed in Ireland? The Government was bound to consider this question as a question purely practical. In all human affairs, and particularly in political affairs, men were bound to examine into the circumstances of their position, in order to know what measures were most applicable to them. Now, what was the position of the Government in Ireland? In consequence of a return which had been ordered by the other House of Parliament, he had before him an abstract of what had been done under the Act of last Session up to the 1st of February in the present year. He had also other returns, to the same effect, up to a much later period. With all the powers of the law, materially enforced as they were by the Act of last Session, there still remained an immense arrear of tithes due to the clergy, and at present no process, summons, or decree could be served in any part of the country without the assistance of a body of police, supported but too often by a military force. He would ask the noble Duke,—and he cheerfully admitted that the noble Duke was the first person in this country, perhaps in any country, in reputation as a great and distinguished military chieftain; for no man admired more than he did the glorious exploits by which the noble Duke had obtained that reputation, no man paid to them a more willing tribute of applause and gratitude;—but he would ask the noble Duke, as a friend to the army, whether it was convenient for the army, nay, whether it was conducive to the interests of the army itself, that it should be so employed throughout the country if other means could be devised? Their Lordships would recollect what a minute subdivision there was of these claims for tithes. In many cases, said the noble Earl, the claims were for less than 1*s.* in amount. That was undoubtedly true; and the House would perhaps be astonished at the extreme minuteness of that subdivision, when they heard the paper which he was about to read to it. That paper was, as he had before stated, the abstract of a very voluminous return which had been made to an order of the House of Commons. From that paper it appeared that the sums recovered and received for the last three years' arrears of tithes up to the 1st of February last was 2,923*l.* 10*s.* 10*d.* The number of decrees issued was 30,000. The number of attachments issued to compel the payment of tithes due to the clergy was 1,258. The number of proclamations was 236, and the whole sum claimed in the schedule was 52,000*l.* He did not wish to disparage the powers of the law; but he asked their Lordships to consider the state of things which this return proved to be existing in Ireland. The number of persons sued for tithes less than 1*s.* was 4,684, and the whole amount of tithes due from them was only 115*l.* 6*s.* 4*d.* Now, for each of these petty claims a separate process was issued; and he asked the noble Duke whether it was advisable to continue a state of things, in which such small sums could not be claimed, he did not say recovered, without the assistance of the military arm of the country? The degree, too, in which the military were harassed by assisting in the service of these processes was not inconsiderable. When the tithe proctor, after the service of his process, found that he could not get his due, and when it became necessary that the party failing in the payment of it should be seized, the troops were employed to protect the arrest; and when the arrest was made, to escort him, often a distance of twenty miles to the county gaol, where on his arrival he generally paid the few shillings of which he was in default, and was then set at liberty. Under such circumstances, he had no hesitation in acknowledging that Government felt it to be its duty to put a stop to proceedings of such a nature; but it had not put a stop to them without consulting the interests of the clergy, and without considering how the debt due to them was to be paid. The measure, then, which the Government had introduced on their behalf was a measure of necessity. He admitted it to be so, and if the noble Earl, or the noble Duke, or any other noble Lord, would suggest to him a better measure, he should be most happy to adopt it. By their present Measure the Government extinguished no property, committed no spoliation; on the contrary, they secured to the clergy that the debt due to them should be paid by somebody, and, such being the case, on whom ought the payment of that debt in common fairness to fall? The noble Earl said, that this measure was a spoliation of the landed proprietors of Ireland, but on whom could the burthen of it fall so justly? He was indeed surprised that the noble Earl, who had so often reproached him for not relieving the clergy of the Church of Ireland, should think it consonant with what he had so often styled his sacred duty, to oppose this measure on account of the infliction of a burthen which must be trifling to him as a landed proprietor. He had been asked how he proposed to impose this tax upon the land of Ireland. His reply was short—Just as a similar assessment was imposed under the Tithe Composition Act, which took the payment from the occupier, and imposed it upon the landholder next above him. He admitted that this Measure would be attended with some inconvenience, and probably in some cases with real hardship. Against such cases it would be the duty of their Lordships to guard as they best could: but when they considered that the object of this measure was the tranquilization of Ireland, he did not think that such of them as were Irish landowners would be unwilling to take this burthen upon themselves. It was proposed that Government should advance to the clergy the money due to them for tithes, and that it should be reimbursed by the imposition of a Land-tax imposed on each parish, in proportion to the amount of tithes due from it. To carry this project into effect, various provisions would be necessary, of which it would be impossible for him to give any explanation at that time, and of which, he thought, it would be very advisable to postpone the discussion till those provisions were regularly before their Lordships in the Bill itself. It was proposed that this land tax should be fixed at such a rate that in five years the amount of debt for which it was to provide would be extinguished—in other words, the landlords would have four years given them for the repayment of this debt to the public. In this way the pressure of the burden could not, he was certain, be felt severely in any quarter. The landholder would also have the power of recovering from the occupying tenant, in the same manner as rent, the sum due from the occupying tenant to the clergyman for tithes. He could not think that this was a very unjust and oppressive measure, nor did he expect that any less objectionable measure would be discovered. When the Tithe Composition Act should be fully carried into effect, he trusted, that the cause of all future disputes—for that was the real evil—between the clergyman and the small proprietors, would be entirely removed, and that, too, at the cost of no great burthen upon the land. He thought that the landholders would not have much difficulty in recovering this imposition from the occupiers of land; at least those noble Lords who contended that the clergy could recover their tithes without difficulty, were the present law firmly administered, could not, he should expect, venture upon contending that they, as landlords, would have much difficulty in recovering the amount to which they would be entitled. The noble Earl had also stated, that it was possible that the occupant of the land from whom tithes were due, might disappear before this measure became law. Undoubtedly he might: but this inconvenience might happen under the present system to the clergyman—for if the occupant disappeared, how was the clergyman to recover his tithe from him? It would, therefore, not be an unjust provision of the law, to allow the landlords a certain allowance in the way of a per-centage, for those occupiers of lands who might disappear. He trusted, that this measure would come to them from the other House, not like a stone rough from the quarry, to be hewn into such a form as their Lordships might think fitting, but in such a shape as would enable that House, without much difficulty, to make it effectual for its purpose. He did not at all regard the taunts which had so often been directed against the Administration of which he formed a part, on account of the changes which they so frequently made in their measures. He did not presume to have himself that which was hardly given to man—he meant such a foresight of consequences, as would prevent individuals from finding defects in those measures which he conceived to be most perfect. He was glad to have his measures submitted to the consideration of Parliament, and he should be always ready to incorporate into them such amendments as were calculated to render them more useful for the purposes for which they were intended. He trusted that the present measure, when it was formally introduced into that House, would be in such a form as would render it an easy task for their Lordships to make it effectual for the objects which it was intended to accomplish—he meant the relief of the clergy, of the Protestant Church of Ireland, and the peace and conciliation of the country at large. One word more, and he had done. He had stopped short, as their Lordships would recollect, in reading the tithe returns made out to the 1st of February, in the present year. He would now read to them the further returns, to which he had before alluded, and which were necessary to show the present condition of the tithe question. The gross amount of arrears now due to the clergy for tithes was 105,033*l.* A certain amount of claims had, however, been withdrawn by the clergy themselves, and the sum was thus diminished to 104,280*l.* The amount of arrears for which proclamation had been issued, was 83,194*l.* There remained, then, a sum of 20,900*l.* odd, for which no proclamation or proceedings had been issued. This included the account for 132 parishes. There had been collected altogether 12,100*l.*, at an expense of 7,867*l.* This statement would convince their Lordships, how completely the Act of last Session had failed in its operation, and would impress upon them the necessity of considering how the distress of the clergy, arising from the non-payment of their dues, could be best relieved, how their just rights could be best consulted, and how that object could be effected at the least detriment to the other parties connected with this great question. He could assure the House, that the Members of Government, had unanimously agreed to this measure, and he trusted, that when it came regularly before their Lordships, it would also meet with their unanimous consent. He trusted that no party feelings, no petty animosities, no personal interests, would prevent their Lordships from giving to it that favourable consideration, which in his conscience, he believed it to deserve, and he implored them, if they were dissatisfied with it, either to substitute for it some measure that was more effectual, or to join with him in making it as perfect as possible. To the motion at present before the House no objection could be offered; and having said that, he had no desire to trouble their Lordships with any further observations at present.

The Earl of *Roden* said, he did not mean to enter upon any full discussion of this question, until the Bill itself was before their Lordships; nor should he have at all troubled their Lordships, if it were not for the allusion of the noble Viscount (Melbourne) opposite to that class of persons in Ireland with whom it was his (Earl Roden's) pleasure to have acted. There was also a personal allusion of the noble Earl (Grey) directed to him, and in justice to himself and to the class alluded to, he felt himself called upon to repel those charges. The noble Lord had said, that the Protestants of Ireland were actuated by as great a hostility to the Government, as were the agitators of Ireland. It was true the Protestants of Ireland had felt great disappointment and disgust, at seeing the Government join their enemies, and they also were disappointed at seeing that Magistrates were punished for performing their duty. The noble Lord's Government in Ireland had, by their pusillanimous conduct, earned for it the contempt of all loyal men; it was no credit to any government, that the respectable resident gentry and the loyal Protestant population were opposed to them, for they had always been ready, and always had shown themselves steadfast, in support of the authorities of the country. They were never opposed to any government who acted with justice, and maintained the supremacy of the law, but they ever had, and he trusted ever would, despise and condemn a system which truckled to sedition, and seemed to trample under foot all the valuable and ancient institutions of the country. The case of Captain Graham was fresh in their Lordships' recollection, and the Protestants of Ireland could not forget such an act of injustice towards a loyal and active Magistrate. It was true, that the Protestants of Ireland had united themselves, but it was for their own protection. They had done so because they saw that, notwithstanding the professions of the noble Earl to put down all resistance to tithes, the effect was, to give encouragement to that resistance. The noble Earl said, that there was no instance, in which a clergyman was refused assistance in the collection of his tithes; but he wished to remind their Lordships that there were very many instances, in which clergymen declined to apply for such assistance, because, from motives of humanity, they were averse to risking the lives of their fellow-creatures. It was no excuse for the Government that clergymen had not applied for military assistance; it was the duty of a well organized Government, to protect life and property, whether applications were made by individuals affected or not—but the fact was, the people believed, that the Government were never in earnest as to the collection of tithes; they favoured the conspiracy against them, which has now succeeded, according to the explanation of the noble Earl. He could not acquit his Majesty's Ministers of being, in a great degree, the cause of the resistance to the payment of tithes in Ireland. They were greatly to blame for many of the measures which created disturbances in the country. Had they not allowed to continue in the Commission of the Peace those who had presided at anti-tithe meetings? The noble Viscount said, that the Protestants of Ireland had not at their meetings, said anything about tithes, and it had been inferred from that circumstance that the Protestants of Ireland were opposed to them. This was not the case; they were united for the preservation of property, not for its destruction—they knew well one class of property hung upon another; and whatever were the rights either of the people, of the landlords, or the clergy, the Protestant population were most anxious to maintain. He repelled the charges that were made against the Irish

Protestants by the noble Lords opposite; he never would allow them to be maligned. He had heard a great deal said by the noble Earl (Grey) about his friendship for the Church, and he was bound to believe the assertion of any noble Lord in that House; but, judging of public men by their public measures, he would say, God protect the Church from such friendship as that of the noble Earl.

The Marquess of *Westmeath* thought that the tithe agitation in Ireland, would have been put down, if his Majesty's Government had shown an earlier determination to resist it. At the same time, he believed his Majesty's Government had been imposed upon by a statement of grievances, which certainly did not exist. Having had many years' experience, and knowing that it was not the amount of tithes, but the appropriation of them, that was complained of, he greatly feared that no measure would be found effective to repress the clamour against them. He knew the inveterate hostility of the professors of the Catholic religion in Ireland to tithes; he did not mean all, but those who were the most turbulent and noisy; and he knew that, let Parliament and Government do what they would, they would find it impossible to satisfy those persons.

The *Lord Chancellor* said, he certainly did not rise with the intention of saying anything on the subject-matter of the motion of the noble Earl; but he rose to make a few remarks on something connected with the motion of the noble Earl (Wicklow), in consequence of some observations which fell either from that noble Earl, or from the noble Duke, respecting the promotion of a certain eminent lawyer in Ireland (Mr. O'Connell) to the rank of King's Counsel. Though that promotion had taken place in the department of his noble and learned friend, who held the Great Seal for Ireland, he felt that he should not discharge his duty to that noble and learned friend, if he shrunk from taking his share in the responsibility of elevating the learned Gentleman in question to the professional rank to which he (Lord Brougham) considered him entitled. He desired to share that responsibility, because he upheld that the act was one of common justice to the individual and the profession, and not an act of personal favour. It was a right as much as any personal right in the case of a man who stood in the high professional rank of that eminent and learned individual. No man, whatever his political opinions might be, as long as he kept within the laws, as that individual then kept (then kept, he would say), if there were no valid legal proceeding against him, marking him out as unfit for being the object of such promotion, could, without the grossest injustice, not to himself only, but to the whole profession; not to the profession only, but to his clients, who had a right to his assistance in that situation, in which he would be most capable of doing justice to their cases;—without that triple injustice, no man who had raised himself to that station, to which the learned and eminent individual had risen, could be kept without that rank, to which he had as much right as he had to raise himself to that professional station by his talents.

The Duke of *Wellington* had always understood that such professional advancement was a matter for which the Ministers of the Crown were responsible. He had never understood till now that such things were matters of course. The noble and learned Lord was much more capable than he could possibly be of stating what was the real case, and he wished to know whether it was not, in such cases, a matter of personal favour?

The *Lord Chancellor* said, he agreed with the noble Duke, that within certain limits such promotion was partly a matter of personal favour; but the noble Duke would recollect, that he had not stated that it was a matter of right in every case, having referred only to the case of one standing so high in his profession as to be decidedly at the head of it. In such a case he had said, that the promotion of a gentleman was not a matter of predilection or favour so much as it was a matter of course; and that it would have been an act of the grossest injustice if the rank of his profession had been withheld.

Lord *Wynford* thought, that the promotion ought not to have been conferred upon him at a time when he was known to be engaged in a course of lawless agitation.

The Earl of *Wicklow* said, the noble and learned Lord had attributed to him an allusion to an individual, to whom he had not once referred. This was the second time that the attention of this House had been called to that individual, in consequence of some supposed allusions of his. He never wished to raise him to such importance as to make him the subject of discussion in that House. He always meant to apply the language which he had used, not to that individual, but to all that portion of the profession to which his observations were applicable; but he did feel some surprise at the remarks of the noble and learned Lord. He was not prepared to say, that the learned individual was acting illegally at the time when the promotion was conferred; but the existence of the agitation of which he was the cause was well known. He must say, that, under such circumstances, the promotion was extraordinary, even if the individual were of that eminence which had been described, which he was not. He was convinced that he had never attained the practice which many other lawyers had attained in Ireland. His practice had always been among an inferior class of the community; and there were many now who had greater business, and were better entitled to the promotion which that individual had received. He would ask (feeling himself incompetent to decide the point) whether it was a matter of course that one who had once raised himself to professional honours, and had afterwards attacked the Government in the grossest manner, whether it was a necessary consequence that he should always be continued in the same rank? Was it not the duty of those who raised him to the dignity to deprive him of it, if he should be found to be unfit for it by his subsequent proceedings? If this was in their power, he was sure it was their duty. He was convinced, from his own observation, that Ministers were never more mistaken than they had been in their Legislation for Ireland. The Magistrates of Ireland were anxious to do their duty, discarding all party feeling. When he left that House, he left all party feeling behind him. He was acquainted with all the Magistrates in his own county, who, with the exception of three, were all as much opposed to the present Government as he was; but they were not the less anxious to do their duty on that account, and to see the existing laws carried into execution. He had been accused of making his motion only to give rise to a discussion. He certainly had said, that his object was to have an opportunity of expressing his sentiments. He had stated his reasons why he considered such a proceeding necessary. He thought it very desirable that such a discussion should take place. The noble Earl had said—"Let those who dislike this measure propose a better." Most surely if he (Lord Wicklow) saw any measure at all calculated to be of service he should lay aside all party feeling; though his expressions against the Ministers had been strong, his feelings for his country were stronger; but it was not the province of that side of the House to bring forward such measures, it was a dangerous matter for them even to offer suggestions. He objected to the very name and title of this Bill. It was not a temporary measure. It was to last for ever; but were their Lordships sure that the present Ministers would continue in power for five years? He was persuaded that much greater changes than the removal of the present Administration from power would take place in five years. They ought by all means to avoid a Land-tax for the purposes of this Bill. If such a tax was desirable as a measure of revenue, let it be discussed; but let it not be insidiously brought in for one purpose to be applied to another. He should move one very material alteration in the Bill if it went into Committee. There was a great objection to the manner in which the landlords were now empowered to raise tithes. They had only the same powers as the clergymen formerly had. If, instead of that, the tithe had been annexed to the rent, the collection would have been general through the country.

The Motion was agreed to.

LOCAL JURISDICTIONS.] The Order of the Day for their Lordships to resolve themselves into Committee—on the Local Jurisdiction Bill was read.

Lord *Lyndhurst* said, the object of this Bill was to establish an extensive change in the legal institutions of the country, and therefore he thought that their Lordships ought to have the fullest opportunity of judging of the nature of the measure. Now, it was his opinion that their Lordships were not in a condition to understand the details of the Bill at present. On reading the Bill, he found it quite unintelligible in some particulars. One of these was, that it referred to six or seven schedules which had never been before their Lordships—which had never been submitted to their consideration.

It appeared to be absolutely necessary, before taking any further steps, to have these schedules before them.

The *Lord Chancellor* said, if his noble and learned friend had turned his attention to the nature of the schedules, he would have seen, that it would have been totally out of the ordinary course to detain the House until they could be submitted to it. They related to mere details, and did not involve one matter connected with or touching upon the grand principle of the Bill. There were some of the schedules which could not come before that House, as that respecting fees, which must be kept out of the Bill. Another schedule altered the form of the record. Another contained the new formulary of pleading. It was the usual practice to consider the Bill before the schedules, although a deviation from that rule took place in the case of a bill of great importance, in which some of the schedules involved the whole principles of the measure. In this case, on leaving out the words referring to the different schedules the Bill would not be impaired, as far as the enactments contained in the body of it went.

Lord *Wynford* agreed, that it was usual to consider Bills before examining their schedules; but he thought a short statement of their contents was necessary, in order to enable the House to see whether they ought to be postponed or not. He hoped the noble and learned Lord would postpone the Committee.

Lord *Lyndhurst* said, they were now about to enter into the consideration of the details of a bill before that Bill was printed, for he considered the schedules a most important part of the Bill. The usual course was, that a Bill should be printed; but the details of this Bill were not printed.

Earl *Grey* said, they were not now considering whether they were to go into a Committee. That question was decided on the Second Reading of the Bill. The Bill was now to be committed, in order that the additional clauses and schedules might be added. When they were in Committee, he hoped that some progress would be made.

Bill committed.

Some verbal Amendments were made, and the House resumed.

HOUSE OF COMMONS,

Friday, June 21, 1833.

Minutes.] Papers ordered. On the Motion of Mr. Bainbridge, an Account of all Bank Notes and Post Bills issued by the Bank of England, which have not been paid into the Bank, up to the 31st December, 1831: also the Amount paid by the Bank of England, upon Indemnity, or otherwise, in each year up to the same period for Bank of England Notes and Post Bills lost or destroyed.—On the Motion of Mr. Robert Gordon, Copies of a Correspondence between the Court of Directors and the Governor General of India, in the year 1830, and 1831, relative to the Constitution of the Indian Government.—On the Motion of Colonel Evans, the Number of Inhabitants of Westminster employed as Constables during each past week of the present Session in Attendance on the Houses of Parliament, and on all other Duties not Parochial: also the Number of Fines, Fees, and Payments on Account of Non-performance, or incurred in Performing such Duties, and who eventually receives such Payments.—On the Motion of Mr. Warburton, an Account of the Number of Persons who have obtained Diplomas from the Royal College of Surgeons, in each year, from 1823 to 1832, and of the Number Examined and Rejected: the same for Edinburgh and Dublin: also of the Regulations, or Bye-laws, under which Graduates in Physic have been admitted as Fellows of the Royal College of Physicians of London, since 1771, what Number of Persons have been admitted as Fellows, and what Number Rejected, since 1771: also the Number admitted as Licentiates, from 1823 to 1832: and also an Account of the Money received by the College from Persons admitted as Licentiates, during the same period, and how that Money has been Appropriated.

Bills. Read a third time:—Separatists' Affirmation.

Petitions presented. By the Marquess of Chandos, from the Clergy of Buckingham, against the Church Temporalities (Ireland) Bill.—By Lord Sandon, from Liverpool, for Redress to the Merchants for the Confiscation of their Property in 1807; also from the Owners of House Property, Liverpool, against the Rating of Tenements Bill; and from the Corporation of that Town, against the General Register Bill.—By the same, and Mr. J. Young, from several Places,—for the Better Observance of the Lord's Day.—By Mr. J. Young, from Kilbury and Templeoran, for the Abolition of Tithes and Church Cess; from the Clergy of Kilmore, against any further Grant to the Kildare Street Society.—By Mr. John Talbot, from St. Mary's and New Ross (Wexford), against Tithes.—By Mr. Buckingham, from the Sailors of St. Catharine's Docks, for the Total Abolition of Naval Impressment; from Tavistock, for the Abolition of Corporal Punishment.—By Mr. John Maxwell, from Galston, for the Repeal of the Septennial Act; from the Weavers of Glasgow, for Inquiry into their Distress, and for Relief.—By Mr. Cumming Bruce, from the Kirk Session of Kilmainham, for Communicating Religious Instruction to the Irish in their Vernacular Tongue.—By Lord Granville Somerset, from Henbury, &c.; and by Lord Sandon, from Eccleshall, for the Repeal or Amendment of the Sale of Beer Act.—By Lord Henniker, and an Hon. Member, from a Number of Places, for the Abolition of the Malt Duty.—By Mr. Robert Grant, and Mr. J. Young, from several Places,—against Slavery.—By Mr. Robert Grant, from the Society for Promoting Rational Humanity towards the Brute Creation of Cambridge, for a Law to Promote their Object.—By Captain Meynell, from the Cotton Weavers of Lisburn, for a Board of Trade, and for Relief.—By Mr. Ruthven, from Dublin, against the Sub-Sheriffs (Ireland) Act.—By Mr. Hope Johnstone, from Westertrick, against the present System of Church Patronage in Scotland.—By Sir Richard Nagle, and Mr. John Young, from several Places,—for a Mitigation of the Criminal Code.—By Mr. T. B. Lennard, from the Society of Friends, for Exemption from Tithes; and from Epping, for the Repeal of the 6th section of the Labourers Employment Act.—By Sir Edward Codrington, from the Devonport and Stonehouse Retailers of Beer to be put on a Footing with other Licenced

Victuallers.—By Mr. SULLIVAN, from the Inhabitants of Kilkenny, against the Corporation of that Place.—By Mr. COLQUHOUN, from the Presbytery of Edinburgh, against the Edinburgh Annuity Tax Bill.—By Mr. THICKNESSE, from Wigon, in favour of the Notaries Public Bill.

CHURCH TEMPORALITIES (IRELAND). On the Motion of Mr. Stanley, the Order of the Day for going into Committee on the Church Temporalities (Ireland) Bill was read. The House accordingly resolved itself into Committee on said Bill.

Clauses, to the 131st inclusive, were then agreed to.

Clause 132, relating to the mode in which the sums to be paid for the Bishops leases should be determined—

Lord *Oxmantown* said, he thought the clause could be considerably improved by the insertion of new words; and for that purpose he had prepared an Amendment which he begged leave to submit to the Committee. The clause, in its present shape would render the Bill inoperative. Where the tenant had made valuable improvements, the Bishops in Ireland, practically speaking, in regulating the fines on renewals, never took those improvements into their calculation. Unless the clause were amended, the object of the preamble of the Bill could not be carried into effect; and so far from a bonus being held out to the tenants, the value of their property would be deteriorated—and the tenants, in place of being bettered in their condition, would be worse off than before. The noble Lord moved an Amendment to the effect that the Commissioners should be directed, in estimating the purchase-money, to calculate it upon the same principle as that hitherto adopted by the several Archbishops and Bishops in Ireland.

Mr. Secretary *Stanley* said, he could not conceive how the noble Lord could contend that the tenants did not receive very considerable benefits under the clause as it stood. The noble Lord must recollect, that they need not purchase unless they pleased, and might renew with the Commissioners as before. They had, therefore, nothing to complain of.

Mr. *Shaw* admitted to the right hon. Gentleman (Mr. Stanley) that the change by which the Commissioners would be obliged to renew with the tenants in case the tenants did not desire to purchase, must be considered a great improvement, compared with the condition in which they would have been placed by the clause as it originally stood. That would have forced them to purchase upon terms however disadvantageous—or else to lose the property which their families might have held for centuries. There was one case within his own knowledge. A friend of his own, whose family had been possessed for the last 200 years of a large estate, held that estate under a Bishop's lease, in the north of Ireland. This property had been made the subject of marriage and other family settlements, and in all respects treated as a fee simple estate for that long period of time. His friend and his son both were at that moment strict tenants for life of the interest in question—morally if not legally certain of that interest not being evicted, and under the former arrangement, (if the Commissioners had not been compelled to renew), the father and son must either have raised money at any sacrifice, to make the purchase of the perpetuity, which would in no degree have improved their estate, or else have forfeited that which they had, from long possession, justly considered as their family inheritance. The alteration, therefore, he would allow was beneficial to the tenant, but still it was not just; and he so far agreed with the noble Lord (Lord Oxmantown) that the Government owed it to all parties interested in these tenants' lands, to resettle their rights upon a foundation as secure as it was possible—inasmuch as the very proposition to modify and alter a tenure which had so long existed undisturbed, was itself an evil, tending to unsettle men's minds and raise doubts as to the permanency and stability of their property. He thought the Amendment of the noble Lord, that the Commissioners should value the tenant's interest upon the same principle as the Bishops had acted, just and reasonable, and it should have his support.

Mr. *Aglionby* said, that the right hon. Gentleman (the Secretary for the Colonies) had not answered the objections urged by the noble Lord. The noble Lord had stated, that the Bill, as it stood, would prevent the tenant from purchasing the perpetuity, inasmuch as it would be better for him to remain under the Bishop. Supposing the tenant had laid out 10,000*l.* in improving the property, it would manifestly be much more for his advantage to renew with the Bishop than to purchase the perpetuity from the Commissioners.

Mr. *O'Connell* said, that if the clause remained in its present state, the tenant would have to purchase the amount of what he himself had laid out. The Bishops, in calculating the renewals, never took into account the improvements which had been made by the tenants. Supposing, for instance, that the tenant had built a house upon the farm, no man could doubt but that increased the value of the farm; and yet the Bishop never charged the tenant any increased fine owing to that circumstance. The mode at present pursued in Ireland of calculating the renewal fines had been in operation since the Restoration; and all the noble Lord sought by the Amendment was, that the practice should not be altered.

Mr. Secretary *Stanley* said, that the Bill, as it stood, gave that power to them substantively, and gave beside a bonus to the tenants. The hon. and learned Gentleman ought to understand the question, but he appeared to have taken a very erroneous view of it. In the Bishops' sees, where the tenant wished to purchase the perpetuity, the Commissioners were to estimate it at the market value, and the tenant was to be allowed a bonus of four per cent. Should he, however, be dissatisfied with the value set upon it by the Commissioners, the tenant was to have the power of having the matter settled by arbitrators, the costs of the arbitration to be paid by the Commissioners in the event of its turning out that they had estimated it at too high a value.

Mr. *O'Connell* said, that the right hon. Gentleman had not met the case at all. In calculating the fines the Bishops never took into account the value of the house which the tenant had built, whereas the Commissioners, in estimating the value of the perpetuity at the marketable price, would be bound to do so. He would give an instance—a gentleman, the high Sheriff of the county Fermanagh, held a tract of country under a Bishop's lease—he had built a handsome house, and planted his demesne, and yet the Bishop never raised the fine. Now the gentleman to whom he alluded could not have the perpetuity of this farm without again paying for the improvements which he himself had made.

Mr. Secretary *Stanley* said, that in legislating, the House could hardly assume that landlords, in parting with the perpetuity in their property, would not take into account the value of the improvements made upon it. The Bill says, make your bargain now, and the Bishops hereafter will be precluded from augmenting the amount to be paid.

Mr. *James Grattan* said, that the Bishops acted differently in different dioceses.

Dr. *Lushington* said, the question was certainly a complicated one, for it appeared from the statement of the hon. Gentleman, the member for Wicklow (Mr. J. Grattan), that no uniform practice prevailed. It appeared, however, that it was the common practice for Bishops to renew, from year to year, for twenty-one years. It was clear that the Bishop, if he pleased, had a right to let the lease run out. He had a complete right and title, supposing he thought it for his benefit, to run his life against the lease and let the property as he pleased. It was undoubtedly his right, at all events, to increase the fine if he deemed fit. What might be the practice of individual Bishops in Ireland, he (Dr. Lushington) could not say, but if the Bishops relaxed their power as stated, they conferred a benefit upon the tenant to which he had no legal right. It had been stated by some hon. Members, that it was not the practice for the Bishops, in calculating their fines, to take into account the marketable value of the lands. As he (Dr. Lushington) had had occasion, in the course of these debates, to make several speeches against the hon. member for Oxford (Sir R. Inglis), and the hon. member for the University of Dublin (Mr. Shaw), he would now make a speech for them, and say, that such conduct was most liberal on the parts of the heads of the Church in Ireland. It appeared to him, that the Amendment would render the clause impracticable. As the clause stood the value the Commissioners were to set upon the perpetuity, was after the expiration of twenty years. Taking, therefore, into account the decay to which buildings must be subject, the value of such tenements after twenty years must be very little indeed.

Colonel *Perceval* said, that the hon. and learned Gentleman who had just sat down, appeared to have forgotten that the tenant had always one check, if not two, upon the Bishop. If the Bishop should run his life against the lease, and let the property to other tenants, he was obliged to reserve half the amount for his successor. Another check was, that the Bishop, when he was appointed, was generally at that period of life when it was scarcely worth his while to run his life against the lease. With regard to the power conferred by the clause upon the Commissioners, he thought it most unjust. Supposing one tenant in a townland had built upon and improved his farm, and that another had not, he who had laid out his money would have to pay over again, while the other would have the benefit of his neglect. Was that, he would ask, fair or just? There was a common tenure in Ireland, known by the title of *toties quoties* leases. He held such a lease under a tenant of a Bishop. The direct tenant had no benefit in the property, he receiving, in fact, only 1*s.*; and would it not be most unjust to make him (Colonel Perceval) pay for the improvement which he had made? If the value of the improvements were of the trifling character described by the hon. and learned Gentleman (Dr. Lushington), it would be better to act in accordance with the preamble of the Bill, and by adopting the Amendment proposed by his noble friend (Lord Oxmantown) give a bonus to the tenant. The Bill would then in that respect be an advantage; but if the Amendment should be rejected, he, for one, as a tenant, would say, that they would be much better off as they were.

Mr. *Warburton* said, that as this was a Bill founded upon the custom of the country, he could see no just reason why that custom should not govern them in the present clause as in the others. It was distinctly stated, that the custom for many centuries was, that the Bishops were not in the habit of taking into consideration, when calculating their fines, the value of the improvements made by the tenants. He thought that that practice ought not to be disturbed. He should therefore vote for the Amendment.

Mr. *Pryme* said, that if a tenant were induced to lay out his money on Bishops' leases, some protection ought to be afforded him. He would recommend a middle course, such as that adopted by the University of Cambridge. Where property held under them was improved, they did not charge tithes for it for the first fourteen years.

The *Solicitor General* said, that it seemed to him that there was no criterion to regulate them. Some Bishops acted one way and some another. The Amendment would, therefore, be impracticable. He could not, he must own, view the conduct of the Irish Members on the present occasion without some suspicion. Gentlemen were united in opposition to this clause who were at variance upon almost every other question.

Mr. *O'Connell:* The hon. and learned Gentleman has stated, that his principal objection to the Amendment was that it would be impracticable. Now, what the Amendment proposed was precisely what had been done for 150 years. So much for its impracticability. But the hon. and learned Solicitor General taunts us with agreeing in our opposition to the clause. What other motive could we have in agreeing except to prevent injustice being done? He was not a tenant under any Bishop, and he was sorry for it. He mentioned this because the newspapers stated that he was. The hon. and gallant member for the county of Sligo held under a Bishop, but the House would do the gallant Member the justice to say, that he was incapable of being influenced in his vote by such a circumstance. He (Mr. O'Connell) never knew an instance of the slightest difference ever having been made by the Bishops between Protestant and Roman Catholic tenants, and that was another reason for the Irish Members joining. But then it was stated that the practice was not general. He admitted it—but the exceptions only strengthened the case. He knew but two instances in which Bishops had behaved improperly. These Bishops had broken marriage settlements, crushed families, and reduced numbers to misery and distress. These were the exceptions. While every man joined in reprobating the exceptions, all must equally join in admiring the conduct of the overwhelming majority who took the more humane, the more noble, and the more Christian-like course, and left their tenants undisturbed. He (Mr. O'Connell) hoped the House would not think him wrong in the part he took in this clause—the only part, indeed, which he had taken at all in the Bill.

Colonel *Perceval* said, he was delighted to hear justice done to the conduct of the Bishops of Ireland by the hon. and learned Gentleman who had just sat down. Although he (Colonel Perceval) was a tenant under a Bishop, he was not permanently interested in the fate of the Amendment one way or other, inasmuch as the property he held was not built upon. In the county of Armagh, a gentleman, with whom he was acquainted, laid out 10,000*l.* within the last four years, in improvements on a Bishop's lease. He could further state, that, in the county he represented, gentlemen had built houses, and planted demesnes on Bishops' lands; and would it be fair or just to make those gentlemen pay a second time for such improvement?

Mr. *Halcombe* thought great injustice would be done if the clause were permitted to remain as it then stood.

Mr. *O'Connell* said, he knew an instance of a case at Rathmines, near Dublin, where a man took six acres of ground, for which he paid 6*l.* an acre, and he renewed every year. He laid out 15,000*l.* in building houses upon the ground. Now, according to the clause as it stood, he would have to pay 15,000*l.* again for having turned fields into houses. Would any man say, that was just?

Mr. *Estcourt* thought the question depended very much upon the fact, whether the custom of the Bishops in renewing was universal or not; and he should be glad to hear, more particularly, how the matter stood from his hon. friend, Mr. Shaw.

Mr. *Shaw*, in reply to the hon. and learned Gentleman (Dr. Lushington) said, that the learned Gentleman had stated, with tolerable accuracy, the course of dealing between the Bishops and their tenants in Ireland. The Bishops dealt with them on the fairest and most liberal terms, not raising their rent from any casual rise even as regarded the beneficial money interest which tenants might enjoy under them—but, in no instance were they in the habit of charging the tenant for ornamental improvements, or the erection of buildings on their property. It was but reasonable, then, that the same rule should be observed by the Commissioners, in respect of the purchase of the perpetuity, as had been observed by the Bishop in respect of the renewal of the lease—otherwise the tenant who had improved would be in worse circumstances than the one who had neglected his property. The person who had expended capital upon the faith of the Bishop's not taking advantage of the improvement it produced, would have to pay over again, in the way of purchase, to the Commissioners for the increased value of the property which his own expenditure had created, while the very negligence and carelessness of his neighbour in having allowed his property to deteriorate, would, in the same proportion, lessen the amount of his purchase money — and this without the Commissioners, in the performance of their public duty, having the power to take these circumstances, and the former practice, which had universally prevailed, into account, unless such an Amendment as was now proposed vested in them that discretion. He would remind the right hon. Gentleman, too, that the principle he (Mr. Shaw) was contending for was recognized in the new provision of the Bill, which prevented the Commissioners charging for past improvements in the case of their receiving the tenants' leases—why then should it not equally hold in the case of purchase? It had been observed, that there was something strange in Irish Members, of various opinions, being united on the present occasion; he confessed that it had afforded him much satisfaction—because he was persuaded that they had not united to confer a favour upon any particular class or interest, but to do no more than an act of justice to those tenants who had improved their estates, under the full impression that they were to have the benefit of the improvement.

Mr. *Henry Grattan* said, he held a statement in his hand, signed by Messrs. Robinson and Rose, confirming the view taken by the hon. and learned Member.

Mr. *Abercrombie* said, that the object of the Amendment was, to transfer a large portion of that which was now the property of the Church to a class of persons who had no legal right to it. He could not reconcile the statement of the hon. member for Dublin that night with what he said on a former occasion. That hon. and learned Member said, some nights since, that a person travelling through Ireland could not but know church lands from others, they were so little improved. He thought the clause, as it stood, unobjectionable, and he should, therefore, oppose the Amendment.

Sir *Robert Ferguson*, as a Member from the north of Ireland, and a holder of Bishops' lands, rose to make a few observations. In that part of the country with which he was connected, he could state, of his own knowledge, that it was not the practice of the Bishops, in calculating their fines, to take into account the value of the houses built upon the land, and he understood the same practice prevailed in other places—as in Armagh. In the counties of Armagh, Tyrone, and Derry, the gentry, in a great many instances, built houses and planted demesnes on Bishops' lands, and no reference whatever was had to the value of those improvements in calculating the fines. All that was sought by the Amendment was, that if such a practice could be established, to let the tenants have the benefit of it.

Lord *Oxmantown* declared that, with the exception of one hon. Member, he had had no communication with any other on the subject of his Amendment.

The Committee divided on the Amendment: Ayes 85; Noes 49—Majority 36.

The Clause, as amended, was ordered to stand part of the Bill.

On Clause 147 being read,

Mr. Secretary *Stanley* said, that this clause was one of those which had been objected to on the score of principle. When they came to the 110th Clause (a postponed one), he would show, that the effect of it would be beneficial to the people of Ireland and to the support of the Protestant religion. He knew, that with respect to the 147th clause, in which the disposal of a sum of money was concerned, that there existed a great difference of opinion on both sides of the House, and that there were some of his own friends who objected to it, as they considered that it involved an alienation of Church property. The construction he put upon the tendency of the clause was very different, for he did not see, that it involved in any way the alienation of that property. What was *bona fide* the property of the Church was not at all touched. There was, he knew, both in that House and out of it, a strong feeling with respect to the alienation of Church property. They would have to consider what would be the purchase-money arising out of the sales of perpetuities—whether the surplus would amount to any large extent, and to see how it could be applied. With respect to the disposal of the money, the Committee would recollect, that the vote they had already come to that evening had reduced the amount of the sum very considerably. The clause relieved the people of Ireland of a debt to the amount of 300,000*l.* or 400,000*l.*, which was the first charge on the purchase-money of perpetuities. If the Bishops' lessees did not avail themselves of the offer held out to them, things would remain as they were. The surplus-money alluded to in this clause would be applicable to certain parliamentary purposes; but no one could expect, that it would be applicable to the Army or Navy Estimates, or the general expenditure of the country. No, as nearly as possible it would be applied to the purposes of the Protestant Church—at least to purposes incidental to that Church—to the promotion of the established religion, and of education in Ireland. However, it might be doubted whether any large sum would be realised; and if not, the interference of Parliament with respect to it would be a matter of no very great importance. Knowing, however, as he did, the immense advantages to be derived from the present measure, feeling the folly of endangering its principle for the acquisition of no practical result, knowing also that the loss of the measure would be the loss not only of the advantages derivable from the Bill, but would involve other consequences, to which he would not then allude, but which he was sure there was no man in that House but must deprecate and feel a strong anxiety to avoid. [*Cries of " No, no."*] He heard the hon. member for Oldham say no, in objection to his remark; but he (Mr. Stanley) thought he must be the single exception that was to be found in the House. [Mr. *O'Connell:* There are several hon. Members who dissent. At least twenty said no.] He regretted to hear, that the number was so great of those who did not look with feelings of alarm and anxiety to the possible results which might arise from such a conflict of hostile opinion on the subject of the present clause. At all events, they were determined to make no sacrifice of principle; they would give up nothing that they were bound to by principle, however hon. Gentlemen opposite might contend, that they were making a sacrifice of principle. The words he intended to substitute for the words at the end of clause 147 would not interfere with the right of Parliament to the surplus money, if any there should be. He hoped that the good feeling of the House would sanction a declaration that was intended to lead to practical results. The 54th clause went to abolish Vestry-cess, and the produce of the sale of perpetuities was intended to extinguish future instalments of Vestry-cess, and to pay off the debts already incurred. Now, what he proposed to do was this—to move the omission from the Bill of the 147th clause altogether, and at the same time to strike out from the 54th clause the exception which related to the perpetuity purchase-fund. This alteration, he believed, would leave the question of the surplus fund precisely where it was at present. It would be recollected, that a material alteration had been effected in the Bill since its introduction—he meant the exemption of incumbents from the payment of tax, they having no present fund provided for them except that caused by the reduction of the sees of Derry and Waterford. Even in two years it was improbable that the fund in question could meet the objects to which it had been proposed to apply it. His object was not to make a sacrifice of principle; and he therefore, in the spirit of conciliation, entreated hon. Gentlemen not to be led astray, and not to contribute to the loss of the present measure, which involved so many serious consequences. His object was to incorporate this fund, and, in the first instance, to make it applicable to Church purposes in preference to any other.

Mr. *O'Connell* said, that he was not disappointed. The right hon. Gentleman who had just addressed the Committee was the same person who, during the progress of the Coercive Bill, came forward and stated, that the Government were about to establish a great principle in the Church Temporalities' Bill,—that they were going to open to the people of Ireland, for the first time, the prospect of being relieved from one of the heavy burthens which oppressed them, physically and morally, by establishing the great principle that the property of the Church was at the disposal of Parliament. When they asked for the Coercion Bill they said, that they meant to introduce another measure with respect to the Church, which would make the recurrence of disturbances impossible, by removing their causes,—they came to the Reformed Parliament, to the Representatives of the people of England, and said: "We ask you for unconstitutional measures, but at the same time be convinced, that we are about to establish a great and important principle of relief, and we will stand or fall by both measures." Who talked of collision then ?—who talked then of shrinking ? The right hon. Gentleman said, the consequence of the rejection of the Bill would be to be deplored. They might be by the right hon. Gentleman, but they would not by the country. Many a time when, during the discussion on the Coercion Bill, he taunted the hon. Members opposite with "lip service," with respect to Ireland, the reply he received was: "We are acting harshly now, it is true, but we are about to establish a great principle, which will meet the most anxious wishes of the Irish people." The right hon. Gentleman did not perhaps say, but many others on this side of the House did: "We are going to establish a principle, the result of which will be, that the people of Ireland shall not be taxed for the support of a Church to which they do not belong." Many hon. Members went even further than that, and said, that it was an absurdity to maintain a church, without a flock. Where were those hon. Members now ? Would they vote with the right hon. Gentleman ? Would they allow the Irish Members to go back to Ireland, and state that such had been the conduct of the House of Commons ? No, he would not anticipate that they would be guilty of such base trickery, for he called God to witness it would be the basest act which a national assembly ever perpetrated. He would not condescend to talk about the probability of there being no surplus—he would not make it a question of pounds, shillings, and pence: he contended for the establishment of the great principle that Church property was at the disposal of Parliament. It was upon the faith of establishing that principle that Ministers carried the Coercion Bill. He had heard during the week various reports—amongst other things it had been said that, in another place, the most valiant soldier the world ever produced had shrunk from an anticipated contest—that he had avoided a collision—that having taken one false position he was unwilling to take another. It was now seen who had shrunk from the collision. If the fact were written upon the wall in words of fire, it could not be more legible. Ministers had sacrificed their principles in order to keep their places; but when their principles were gone what was the value of their places. Oh shame ! Would the high-minded gentry and nobility of England surround the Ministers now, after such a flagrant abandonment of principle ? He appealed to the House—he appealed to the common sense of Members—ay, and he appealed from that spot to the British nation, and called upon them not to lend themselves to such a shameless proceeding. The only benefit which the people of Ireland were now to expect from the Bill was the abolition of the vestry cess, but upon that point nothing was yet settled, and if, indeed, it were, there would be no security for the plan being carried into effect, for what the Government determined on one day they abandoned the next. With the exception of the Vestry-cess, the Bill did not propose to reduce the burthens of the people of Ireland a single shilling. It was true that the number of Protestant prelates were to be reduced; the Government knocked down Bishops as they would nine pins. What did he or what did the people of Ireland care, about the number of Bishops ? He did not wish to overturn the Protestant religion. The Catholics had twenty-seven Bishops, and he was quite content that the Protestants should have as many, provided they would pay for them. The reduction of ten Bishops, however, would not lighten the burthens of the Irish people to the extent of one shilling. Ministers last year pledged themselves to extinguish tithes. This was, to be sure, afterwards modified, and the Government, by means of employing horse, foot, and artillery, collected 12,000*l.* at a cost of 15,000*l.* That was their mode of extinguishing tithes, and now, after they had pledged themselves to the great principle contained in the Bill, they shrunk from carrying it into effect. The principle which Ministers now turned their backs upon was that of placing the Church property in Ireland under the dominion of the Parliament which had given it away before. No man would say, that the Church property in Ireland passed to the Protestant Establishment by the assent of a convocation of clergy. No; it was taken away from the Catholic church by the strong hand of power. The Bill proposed to sanction the principle that Parliament should reassume dominion over that property, and Ministers shrunk from carrying the Bill. They made their apology; but it would not be accepted. Let them carry their apology to Carlton-terrace; but they had done so already, and it was accepted. He would record his vote against the third reading of the Bill, and he repudiated it on the part of the people of Ireland.

Mr. Secretary *Stanley* expressed his surprise at the tone of indignation, real or assumed, in which the hon. member for Dublin had addressed the Committee. The hon. Member stated, that Government had pledged themselves to carry two measures, one for the restoration of tranquillity in Ireland, and the other for the reform of the Irish Church. The hon. Member always contended that the two measures must be considered in the nature of a compromise, one against the other, and ought, therefore, to proceed *pari passu.* Government disclaimed the notion of a compromise, but they pledged themselves to the support and carrying of the Coercion Bill; and they also pledged themselves to the support and carrying of the Church Temporalities Bill, and by those pledges they were prepared to stand. Notwithstanding the mocking of hon. Gentlemen opposite, he repeated that by those pledges they were prepared to stand. He begged leave to ask hon. Members whether the Coercive Bill, since he must place in juxtaposition two measures which had no connexion with each other, was carried through that House in all its integrity as it was introduced in the House of Lords? Hon. Members might laugh; but would they deny the fact? When the Bill was returned to the House of Lords were not Ministers actually charged with deluding those who had supported it when introduced there by having consented to its being stripped of some of the most efficient clauses in it? By persons who were strongly opposed to the Government on one side, as the hon. Member was on the other (and that was saying a great deal) it was stated, that the Bill had been returned in such a shape as to be scarcely worthy of support. Did the hon. Member then accuse Ministers of basely truckling and sacrificing their principles in order to retain their places? When Ministers accepted the modifications which were proffered from the other side of the House, they heard none of the clamour which was now raised. He admitted the Government were pledged to the most important details of the present measure, but the hon. Member had no right to charge them with sacrificing their principles in order that they might retain their places. The hon. Member said, that the Bill was good for nothing unless it established a principle which, to the extent to which he would carry it, would strip the Church of Ireland of the whole of its possessions, and enable Parliament to do what they pleased with them. Gentlemen might entertain what opinions they pleased upon that point, but he begged to state that this was not the principle upon which the Bill was introduced. It might be the principle which made the Bill acceptable to the hon. Member; but with all respect to him the Bill was not introduced with the view of pleasing him. The Bill was introduced for the purpose of effecting a substantial Reform, and that it would effect. [*"No, none at all."*] What! none at all? Had not the House heard the manner in which the Vestry-cess had been spoken of? Had not the levying of money from an exclusively Catholic population by an exclusively Protestant vestry been constantly spoken of as the great grievance of the people of Ireland? Tithes had always been represented as the less grievance, as less odious to the people than the Vestry-cess. [*" No."*] He said yes, and he would show the reason why the case must be so. The burthen of tithes was incident to property, and was taken with it; besides, it could not be capriciously increased, and was fixed upon the property of Protestants as well as Catholics. The Vestry-cess, however, stood upon a totally different foundation; it was an arbitrary assessment made by an exclusively Protestant vestry upon an exclusively Catholic population. Therefore this burthen was more objectionable to the

Catholics than tithes, which if not paid under that very name, would be paid in the shape of rent. From the Vestry-cess, amounting to 70,000*l.*, and from all the litigation which accompanied it, the Catholic population would be relieved by the Bill. He could not understand how the hon. Member proposed that the Vestry-Cess should be got rid of, except by this Bill, which God forbid he should have the power of throwing out. The repeal of the Vestry-cess, however, was not the only relief which the Bill afforded to the people; the sum of between 300,000*l.* and 400,000*l.* chargeable upon the Catholic population of Ireland for the next twenty-years was taken away—was entirely removed. The object, however, for which the Bill was introduced was not only to satisfy the Catholics of Ireland, but to render the Protestant Church in that country more efficacious. As a Protestant, he desired to see a Reform of the Irish Church, with a view of increasing its efficiency. The hon. Member said, that the Catholics did not care whether there were twenty-seven or thirteen Bishops. It might be a matter of indifference to the hon. Member, but to him and the House it appeared that no money should be unnecessarily expended in keeping up what he could not help thinking an overgrown staff for Church. The revenues of the Church might be better applied to the relief of the parochial clergy by the augmentation of their livings—to the building of churches, without any charge on the Catholics of Ireland. These objects were provided for by the reduction of the number of Bishops, and therefore that measure was an object of importance to him, though it might not be to the hon. Member. To maintain the respectability of the Protestant Church, and to insure the due performance of its duties, was the principle upon which the Bill had been introduced, and on which it had been supported. That principle they were bound to maintain, as they had maintained the principle of the Coercion Bill. By both measures they were prepared to stand or fall, and they would not be deterred from taking the course which they conceived to be best calculated to secure the efficiency of the Bill, and to give peace and happiness to the country, by any such taunt as had that night been thrown out against them, and which he would not condescend to reply to.

Mr. *O'Connell* said, that what he had stated on the subject of the Vestry-cess was, that he did not know what the Government intended to do upon the subject, as the clause relating to it had been withdrawn. The right hon. Gentleman, however, had cautiously avoided meeting him upon the point to which all his observations were directed—namely, the abandonment of the great principle of the Bill.

Mr. Secretary *Stanley* said, that the hon. and learned Member was more conversant with the intentions of Government upon that subject than any one else could be. The hon. and learned Member was perfectly aware that the clause had been postponed in order that his own opinion, as a lawyer might be taken upon it, and he (Mr. Stanley) had no doubt that the hon. and learned Member would not now deny that he had been for some days in the fullest consultation with the Government as to the manner in which the clause should be framed.

Mr. *O'Connell* said, that the part of the right hon. Gentleman's speech which had been cheered, was that in which he said that he (Mr. O'Connell) had been "in the fullest consultation with the Government." He (Mr. O'Connell) did not deny, that he had been in consultation with them; but would the right hon. Secretary say, that anything definite had been agreed on? He (Mr. O'Connell) denied that anything had been agreed on upon that subject; but with regard to the distribution of the surplus revenues of the Church, he would say than that part of the Bill was definitively agreed on.

Mr. *Hume* said, that in this discussion there was room more for sorrow and regret, than for anger; for never was a Government reduced to a juncture such as his Majesty's Government had that night reduced themselves to. He would put it to the noble Lord, what security the House or the country had that the Government meant to carry that or any other Bill which they might introduce other than that which he had given, that they should stand by the principles of the present Bill? The noble Lord had given his pledge that the Government would stand or fall by that Bill. The right hon. Gentleman had stated that the present clause was not one of the principles of the Bill. But what he would ask, was to be considered the principles of the Bill, but those provisions which were laid down by the Government as part of the measure? These provisions, as stated by the noble Lord, the Government were bound—were pledged as men of honour—to maintain; or they were bound, in consequence of those pledges, to retire from office. Nay, more, it was stated by the noble Lord, that as the situation of Ireland was such as to require so harsh a measure as the Coercion Bill, the Church Reform Bill would be brought forward in conjunction with it, in order to heal the evils which had brought Ireland to that state. There were two principles (as he understood) to be established by that Bill; the one was the Reformation of the Church of Ireland—the other and the principal point on account of which alone he and many other Gentlemen on his side of the House had supported it was, that it admitted that the property of the Church might be alienated for public purposes. The Government had then defended the admission of these most important principles, and the noble Lord had even stated, that the measure would place 3,000,000*l.* sterling at the disposal of Parliament, to be applied to public purposes. The Government now attempted to change their former opinions, and to retract their words; but those words were written, and were known to the public; and it would be for the public to judge of such conduct. For his part, he would say, that it showed the most lamentable desertion of previous pledges, the greatest want of firmness, and was a disgraceful breach of public faith. Could they, as men of honour, retain that honour if they did not redeem the pledge which they had given to the country, of either retiring or carrying the Church Reform Bill. He had stated, when the Coercion Bill was before the House, that the Tories themselves had never ventured to bring forward a measure which violated the Constitution so outrageously as that which was then brought forward by the Whig Government; but the excuse always urged was, that they intended to bring forward a measure of Church Reform, which would nullify the effect of the Coercion Bill. He admitted, that the abolition of Vestry-cess was one of the principles of the Bill, although in that he was sorry to find he differed with his hon. and learned friend below him. But of what value, he would ask, was that in comparison to the advantages expected by Ireland from the measure? The noble Lord had stated it to be about 60,000*l.* a-year, but he (Mr. Hume) was ready to show that the benefits to be derived was no more than 27,000*l.* And was that the advantage which Ireland expected from this measure? The right hon. Secretary for the Colonies had stated, that there was a strong feeling both in this House and in the country against alienating the property of the Church of Ireland. He did not know what it might be in the society in which the right hon. Secretary moved, but he knew that in the country generally the proposition was hailed as the establishment of a proper principle on the subject of Church property. When the measure was brought forward, the noble Lord had stated, that he would put down ten of the Irish Bishops. He saw no principle on which the noble Lord could have fixed upon that number, and had therefore assisted him with one—namely, that as four Bishops were found to be sufficient to do all the duties incumbent on them as Irish Bishops in Parliament, the same number would be sufficient to perform the other ecclesiastical duties. He stated this merely to show, that the provisions of the Bill were its principles, and its only principles. They now found that the Government shrunk from some of the most material of those provisions, and they could not know whether any more were to be changed or not. What right had the Government to suppose that the clause would be thrown out elsewhere? They had found, no doubt, that there would be a majority against them in the House of Lords; and finding that there was no other way of keeping their pledge of standing by the Bill, but by yielding that point, they had yielded it. They were afraid to go before the public and say, that they had done all they could to carry the measure, but that the majority of the House of Lords was against them, and that there was no other way of carrying it but by their support. They were afraid to do so; but if they did, they would then redeem the pledge which they had given of standing or falling by the measure. The Government now said, that the probable result of such a clause was to be deprecated; but he would say, that if that House supported it—and it had hitherto been well supported by the House—he saw no reason why it should be now changed. Since the 14th of February, when the noble Lord brought forward the measure, the country and the House had supported it; and notwithstanding that, the Government now shrunk in alarm from the opposition of the other House. They deserted their duty and their honour to preserve their places. Perhaps it might not be so, but it appeared so to him. He hoped that the majority of the House which had voted for the Bill as introduced, would not retract that opinion.

He trusted that the same majority would now reject the mutilated Bill altogether. It was a mere mockery, and the House and the country had been duped by the Ministry. Their conduct was a cause of deep sorrow and regret to him, and all he could do was, to object to the withdrawal of the Clause, and, if it were withdrawn, to vote for the rejection of the whole Bill.

Mr. *Macaulay* was not aware, when he entered the House, of the course which Government meant to pursue upon this occasion, but he fully approved of it. Some hon. Members seemed to think that Government had come forward with the principle, that whenever there was a surplus arising out of a new arrangement of Church property, Parliament would have a right to deal with it as they thought fit. He had not the least hesitation in saying, that this was a principle which he individually advocated, and therefore he ought to be considered an impartial witness when he stated, that not only was that principle not advanced by the noble Lord,the Chancellor of the Exchequer, when he brought the question forward, but it was distinctly repudiated by him. The noble Lord distinctly declared, that whatever his private opinion might be, the right of Parliament to deal with Church property was a question reserved and postponed. Were hon. Members aware, that it had always been denied that the surplus was Church property? He (Mr. Macaulay) appealed to both sides of the House if such was not the statement made by the noble Lord? The Government had declared, that they did not consider the surplus fund arising from Bishops' leases as Church property. Whether they were right or wrong in saying, that it was not Church property he would not take upon himself to say, but he would say that, in proposing that that surplus should be placed at the disposal of Parliament, to be applied to secular purposes, they neither declared whether ecclesiastical property should be applied to secular purposes or not, for, in so disposing of it, they had considered it as not ecclesiastical. He would venture to say, that no member of the Cabinet supported the Bill on the principle that Church property was at the disposal of Parliament. He himself considered the question suspended till the surplus should have actually arrived. To say, that Ministers were abandoning a principle was absurd. Under these circumstances, and seeing that neither money nor the principle of the Bill was sacrificed by the alteration proposed in this Clause, he hoped the House would not oppose the change.

Mr. *Harvey* said, it was some comfort to inferior minds to find that the most splendid talents were not sufficient to enable sophistry to beguile a single man who attended to facts. How any man with even a tithe of the understanding possessed by the hon. Member who spoke last could expect to lead the House, having the clause before them, to the interpretation which he put upon it, it was difficult to imagine? What said the clause? "And the surplus of the said monies accruing to the credit of the said Commissioners shall be applied to such purposes as Parliament shall hereafter appoint and direct." Now, if that clause did not give Parliament a control over Church property, why was it not allowed to remain? He remembered that when the noble Lord (Lord Althorp), whom he was sorry not to see in his place brought forward this measure, and erected his standard of popularity upon it, he calculated that the sum which it would place at the disposal of a future Parliament would be no less than 3,000,000*l.* sterling. It was true that the vote which the Committee had recently come to, and he regretted that he had not been present upon that occasion to add to the minority, had considerably damaged the measure in a financial point of view; and he was much surprised at the supineness with which Ministers had suffered one of the most valuable provisions of the Bill to be dispensed with, until he found that they were prepared to abandon the great principle of the Bill, though that had been looked forward to even as the basis of the Reformation of the Church of England, in order to avoid the hostility of the House of Lords, It had been said, that the hereditary council of the nation had been swamped, but the proposition was now reversed and the Commons of England were to be swamped. He congratulated the high-minded Tories upon having a government subservient to them, whilst at the same time they incurred no responsibility. The people had been encouraged to expect Ecclesiastical Reform as one of the prominent measures which were to grow out of the Reform which gained Ministers their passing, and fast expiring popularity. What was the result? In the worst days of Toryism, when the Tories sat on that hotbed of corruption, the Ministerial Bench, nothing so paltry as this Church Reform Bill ever sprang from it.

He was much disposed to concur with what the hon. member for Dublin had stated respecting the reduction of the number of Bishops. He was surprised that the Representatives of the Church in that House should view that proposition with such apparent indifference. If Catholicism was making that rapid advance in Ireland which some persons believed, and others regretted, what was more likely to sustain the Protestant religion than the exertions of the Bishops? He was not surprised, that men who were changing their principles with every wind should laugh at the expression of such an opinion. No doubt they would be as ready to abandon the Church as they were the all-important principle of the Bill, if they thought that by so doing they could preserve their places. As long as they had a Protestant Church it was important that its integrity should be maintained. In his opinion it would be better to retain the present number of Bishops in Ireland, with moderate stipends, who, by constant residence and persevering exertions, might yet shed the light of Protestantism over that benighted country. He trusted, that the House would throw out the Bill, which was a ministerial delusion, put forward under the name of Church Reform. There was no one element in it which deserved to be associated with the term Reform in its comprehensive sense.

Mr. *Stanley* rose to vindicate, not himself, but the Government, from a charge which had been brought against them by the hon. Member. The hon. Member had stated, that the Government had introduced principles into the Bill to which they had pledged themselves, and which they afterwards abandoned. The hon. and learned member for Leeds had very truly stated, that the alienation of the property of the Church formed no part of the principle of the Bill. That had been also stated by himself, and more distinctly stated by his noble friend, the Chancellor of the Exchequer, and he thought it important, not to the principles of the Bill, but to the character of the Government, that the House and the country should be set right upon the subject. He would now read what the noble Lord had stated on introducing the measure. After stating what the plan of his Majesty's Ministers was, he proceeded: 'Now, I apprehend, that however great the differences of opinion may 'be as to the right of Parliament to apply 'the property of the Church to the purposes 'of the State, both those who think that 'they have a right to apply it to such 'purposes, and those who think they have 'no right so to apply it—all will agree in 'thinking, that the first claim upon the 'property of the Church, is the claim of 'the Church itself. No parties are likely 'to dissent from this opinion, but those 'who either think that there ought to be 'no Church Establishment at all, or those 'who think that a different Church ought 'to be established in Ireland. With the exception of those who entertain these 'opinions, it will be generally agreed, that 'the present property of the Church Establishment ought to be applied in the 'first place to the purposes which may be 'necessary for extending the benefits of the 'Church to the people of Ireland.'* And in another part he stated, that: 'The 'measure I have proposed provides for not 'continuing the scandal of persons holding 'benefices and receiving the revenues of a 'living where no duty is performed; and 'it provides to as great an extent as is 'practicable or adviseable for the reduction 'of the number of the Irish hierarchy. I 'would also beg to observe, that it does not 'lay down any abstract principle. Indeed 'it is not necessary to do so for any practical 'purpose. It is not necessary now to decide whether Parliament has or has not a 'right to interfere with Church property. 'As I have already observed, all who think 'that there ought to be a Church Establishment at all, must agree that the Church 'has the first claim to be considered. But 'when a practical plan like this is brought 'forward, it is quite unnecessary to call 'for a determination on any abstract principle; or to decide whether or not Parliament has any right to interfere with the 'property of the Church. The result of 'such a call would be only delay and 'obstruction. The plan which I have now 'detailed to the House is what his Majesty's 'Ministers feel themselves justified in proposing at present; without meaning to 'preclude Parliament from considering the 'future disposal of Church property to 'other purposes than those of the Church. 'Whenever the purposes of the Church 'are fully satisfied, Parliament may, if it 'think fit, proceed to the consideration of 'the manner in which the surplus ought 'to be applied.'† These were the sentiments expressed by his noble friend—principles on which the measure was introduced—and he now stated them to be so, not in his own vindication alone, but in vindication of the Government. When the Government advanced a principle, and stated their intention to stand by it, they were not inclined to shrink from their duty; and he would not be doing justice to the Government if he did not vindicate them from the charges brought forward by the hon. Member.

---

* Hansard, (third series) xv. p. 568.

† Hansard, (third series) xv. p. 576.

Dr. *Lushington* said, that during his whole parliamentary experience he had never heard a discussion in which the decency of parliamentary language, or the courtesy of public life had been so much departed from. Neither had he ever heard a discussion in which the grossest and basest motives and intentions were more plainly attributed to a Government. He would say more; he had never heard such language used on an occasion where it was so totally destitute of foundation. An hon. Member had explained, that the surplus arising from Bishops' leases was not considered part of the Church property; and that, therefore, the question as to the alienation of Ecclesiastical property had not been touched. He (Dr. Lushington) had always been, and still continued, of opinion, that the surplus revenues of the Church, after paying the clergy, and other Church purposes, ought to be appropriated to the promotion of education. Nothing would deter him from stating that these were the principles which he held on this subject. Was it worth while, then, to enunciate a theoretical proposition, when, by the very terms of the Bill itself, they were stripped of the power of carrying that proposition into effect. And for what reason, he should like to know, were they bound to conciliate one part of Ireland at the cost of irritating another? He, at least, saw no just ground for giving this useless and unnecessary insult to the Protestants of Ireland. Then what would be its effect elsewhere? There might be some people in that House desirous of calling in the power of the people to annihilate the authority of another Assembly. When he saw the delight with which any proposition was hailed that seemed to threaten such an event, he must say, that he did not observe that fear of a collision which any man desirous of avoiding it would wish to see, and which could not happen without such consequences as all men of moderation and prudence must desire to avoid. When there was any principle concerned, that by its concession would be of great advantage to the country, and when it became absolutely necessary to obtain its concession, he trusted that he should be found, at least, as firm in demanding it as any of those who now appeared most ready to rush into the battle. There seemed to him no such necessity now; and he, therefore, desired to avoid all irritation upon any subject on which the evil of that irritation was not demanded by an adequate necessity, and balanced by, at least, an equal advantage. He must say, that he was surprised at the conduct of some hon. Members. He had heard, not merely during this Session, but long before, so much said of the evils of the Church-cess, and of the benefit that Ireland would gain by its abolition, that he could not but feel surprised at the remarks now made—remarks, which, if they meant anything, meant to deny all that had been before said, and to leave it to be believed that the abolition of the Church-cess was of no advantage to Ireland. What! was it no advantage to abolish that which had so often and so universally been the subject of complaint? Was it no advantage to abolish two Archbishops and several Bishops? And was it no advantage to equalize the livings, and to give the other checks on the abuses of the Church Establishment? After all this, he must say, that those who made these accusations ought first to enable themselves to support those accusations by facts, which in this instance he thought they had not done.

Mr. *O'Connell* said, that his approbation of the principle of this Bill had been often quoted against him. What was that approbation? He would tell the House, from the same authority which had been quoted against him, what he had said: "He greatly approved of this Bill, because it was clear that it recognized a principle which would be applicable to all other property of the same description." He had then also stated "that he supported the Bill because it recognised the right of the Government to look into the state of ecclesiastical property hereafter."* As to the censure which had been thrown on him for the language he had used when he was expressing his abhorrence of what he conceived to be a gross breach of faith, he must, before he bowed to that censure, be convinced that the person who uttered it was entitled to sit in judgment on a question of breach of faith. He had heard of an hon. Member pledging himself to his constituents to support a certain line of policy, and afterwards voting in the teeth of his pledges. That was what he would call a "breach of faith." "I," continued Mr. O'Connell, "at least never committed such a breach of faith. I never pledged myself to support any measure, and afterwards wheeled round against it. I say I never shrunk from any of my promises or declarations to my constituents and countrymen. The repeal? I deny it. I did not shrink from the repeal question. I never pledged myself to bring it forward. I defy any man"——

---

* Hansard's (third series) xvii. p. 577-8.

Mr. *Bernal* spoke to order. He put it to the learned Gentleman whether he would persist in these irregular observations.

Mr. *O'Connell:* May I ask where I am irregular?

Mr. *Bernal:* In referring to the alleged pledges of any hon. Member out of doors, which have no reference whatever to the measure before the Committee.

Mr. *O'Connell* would bow to the Chairman.

Dr. *Lushington* said, that if the learned Gentleman had alluded to him as having broken pledges to his constituents, he could only tell him, that he broached an assertion totally without foundation. He would not use harsher terms of denial, but would simply and explicitly deny, that he had given any such pledges to his constituents as the hon. Gentleman had insinuated.

Sir *Robert Peel* said, he did not rise for the purpose of taking any part in the warm conflict which had arisen, but merely for the purpose of stating the opinion he had originally entertained with respect to this clause. He came down to the House this evening, with the intention of giving his cordial support to the Amendment of the hon. member for Newcastle-under-Line, that whatever surplus there might be from the improved value of the Bishops' lands should be applied to the purposes of the United Churches of England and Ireland. The object of that Amendment seemed to him to be fully answered by the proposition of the right hon. Gentleman, and he, therefore, supposed that the hon. Member would not think it necessary to press his Amendment. But there was one observation he must notice. The hon. and learned member for Dublin had said, that this measure of the Government had been adopted in consequence of a compromise with their opponents. For himself, he utterly disclaimed all knowledge of any such compromise, and he declared, that when he entered that House this evening, he did not know what was the intention of the Government. He disapproved of all compromises, and he owed it to the Gentlemen with whom he acted to say they did the same. In giving his assent, therefore, to any part of the Bill, he was free as air as to the rest, and in public matters that was the course he should generally pursue. He disapproved of compromises, for when once they were made, they not only did not gain the confidence of an opponent, but they most certainly lost that of the men who had been accustomed to follow and rely upon those who made it. He entirely approved of the course the Government had adopted on the present occasion in omitting this clause, but he did not much rejoice in it, for he was able to show that there never would and never could be a surplus. The principle against which he, on another occasion, had protested was, not that they had no right to apply Church property to secular purposes—for he had no occasion to dispute that point—but that if the Legislature gave a new value to Church property, that new value belonged to the Church alone. But of all the extraordinary propositions he had ever heard, that of the hon. member for Middlesex, who was always complaining of absenteeism, and who, nevertheless, proposed to abolish all but four Irish Bishops; and for this reason, of all others, that they were entitled to sit in Parliament was the most extraordinary. That was the way in which the hon. Member proposed to remedy the non-residence of the higher clergy. He should say no more now, than that he supported the proposition of the right hon. Gentleman with respect to this clause; but in doing so he did not think himself pledged to agree to any other clause in the Bill.

Mr. *Gisborne* observed, that it was natural that Irish Members should wish to be heard on such a subject; but he must say a few words, and he thought that there were many English Members in the same situation with himself. Many of them had voted for the Irish Coercion Bill—he had for every clause of it, upon the faith that the Government would pass the present Bill in the form in which it was first announced. He did not deny, that the abolition of the Church-cess was a relief to Ireland; but then this clause also was a most important feature in the Bill. He looked to it without regard to Ministerial explanations; and he wished to ask the Ministry whether they had any more prospect of carrying it in another place, when they first proposed it, than they had at the present moment? Were they the only people in the world who did not know that it would be made the subject of a desperate struggle? If, when they proposed the Bill, they intended to recede from this condition in it, they deceived the House; and if they did not, then they were bound to show, that the circumstances under which they now withdrew it were different from those under which they had first proposed it. The right hon. Gentleman had at first told them that there was a division in the Cabinet on the subject of the Church property, but they had at last agreed upon a medium principle, which was the one contained in this clause. If the Legislature, by any act of its own, could increase the value of the Church property, it had a right to dispose of that increase. The principle must be admitted, for how could the Government have the right to interfere with the property at all, if it was not State property? He did not think it was a proper argument to address to the House of Commons of England, that they must recede from a certain measure, because it was possible that such a measure might produce a collision with the other House of Parliament. He knew not what were the chances of such an event, but he did not think it fit to be adduced as an argument to bias the Resolutions of that House. Neither could he agree with the argument that the Legislature could not meddle with Church property, for that proceeded on the supposition that a finite possession of property gave the right of making an absolute disposition of it, which was absurd; and they could only escape from that to another, by saying, that the Legislature had confirmed that disposition, for that would go to show that one Legislature could eternally bind all other Legislatures. He hoped that the House would never agree to any such proposition; and for himself, he never would consent to any such dogma. He trusted that the House would not allow the clause to be withdrawn.

Lord *Sandon* thought, that the proceedings of this night formed an ample justification of the Ministry in withdrawing this clause. An opinion had gone abroad that this clause involved the principle that the State had a right to deal with the property of the Church. As that was an error, the sooner it was corrected the better.

Colonel *Davies* protested against the withdrawal of this clause; nor could he conceive what motives had induced it, unless there were some truth in certain allegations which had been made: but, whatever were those motives, his Majesty's Ministers had this night degraded themselves in the eyes of the country. Hitherto they had had an obsequious House of Commons, but he trusted, that the Representatives of the people of England would no longer, for their own sakes, show themselves thus easily led. Collision with the other House had been spoken of, but were they to be frightened and to stultify themselves in their best measures by a dread of this kind? and were they to be deprived of their best rights through a fear of what might occur elsewhere? If they were to have Tory measures, let them be carried under Tory banners; and if this were to be the conduct of Government, he, for one, should feel disposed to give his adhesion to the right hon. Baronet near him (Sir R. Peel). He had never been that right hon. Baronet's supporter, but he admired his talent, and believed that he had more in his head than all the Ministers put together.

Lord *Ebrington* had no objection to his hon. and gallant friend's expressing his opinion of any proceedings in Parliament in the best possible way; but he thought it rather too much of his hon. and gallant friend to state such sentiments of Ministers as he had just uttered, after the Motion of confidence in them which his gallant friend had moved and carried the other night. He agreed with the hon. member for Derby in the opinions expressed by him with respect to Church property, and the power of the Legislature over it; but it should be recollected that his noble friend (Lord Althorp), in bringing forward this measure, had left the question of the applicability of Church property open; and as no practical benefit could at present arise from the assertion of this principle, he could not see that this was a proper time for doing so, as would be the case were the clause persisted in. He should never be found wanting in asserting the due rights of the House of Commons when a necessity arose for vindicating them, but at present there existed no such necessity. When he considered the benefits which would arise from the removal of Vestry-cess and other vexations, he must say, that although he feared not collision with the other branch of the Legislature, as the withdrawal of this clause would not affect the general beneficial tendency of this Bill; he thought it was not worth while by retaining it, to increase the chances of that collision.

Colonel *Davies* denied, that he could, with any show of reason, be accused of inconsistency. The Motion to which the noble Lord referred in support of his charge, was made by him (Colonel Davies) not for the sake of the Government, but for the sake of that country which was so deeply interested in the question.

Mr. *Fergus O'Connor* said, it was extremely hard of Ministers, after having deluded the House for two months, now to come down and reject the only two lines which were worth anything in the whole 152 clauses of the Bill. The right hon. Secretary for the Colonies had described this as well as other Bills, as intended for the security of the Protestants of Ireland. He would ask, then, what Bill was there for the people of Ireland? The House had better be at once dissolved if they were to go on in this way, and only agree to what might meet the concurrence of the House of Lords. The hon. and gallant Colonel (Colonel Davies) was mistaken in saying that Ministers had degraded themselves that night—they had only added to the measure of their degradation. He hoped the House would now reject the Bill altogether, and it should certainly have his decided opposition.

Mr. *Grote*, in rising to offer a few observations to the House, felt it his duty, in the first place, to declare that his recollection of what had fallen from Ministers when this Bill was first brought forward, entirely coincided with their statement of what then transpired, and it was not, therefore, on that point that he should argue against the omission of this clause. He did entertain an objection to the Bill in the first instance, because it did not, in his opinion, go the length that the people expected it would go towards rectifying that great ecclesiastical enormity of Europe—the Irish Church. Still he felt anxious to support it, being unwilling to signalize its defects, knowing, as he did, the difficulties that Ministers would have to contend with in getting it passed into a law; but when he found that, defective as it was, it was to be rendered still more defective by being robbed of one of its chiefest members—of the only part which rendered it a decided benefit to the country—he felt himself bound to give it his most strenuous opposition, as far as regarded the withdrawal of the clause in question. It was supposed that this alteration was made with a view to its favourable reception in another place; but he would ask, what would happen even if the House of Lords should think proper to reject this Bill. What worse could the House of Lords do than send it back to them again?—and surely, then, it would be time enough to consider whether it was advisable to make these alterations. He contended that the Ministry were only creating difficulties for themselves; for, after making these alterations beforehand, how could they tell but that the House of Lords might deprive them of some of the most valuable of the remaining clauses. He should most strenuously protest against the omission of this clause, and if he might be permitted, he would give a few words of advice to his Majesty's Ministers. Instead of offering a few crumbs of reform to the people, and afterwards endeavouring to pare down even those few, he would advise them to give such measures as they might think just and necessary, without any reference to what might be the conduct of another assembly. He would advise the Ministry to act thus, and then leave that other assembly to act as it might think fit. He gave this advice, presuming that the Ministers were willing to act liberally, though, from the experience the country had had, it was impossible to accuse Ministers of advancing either too fast or too far.

Mr. *Henry Grattan* said, that much had been thrown out as to its being an unconstitutional proceeding to attempt to frighten the House of Lords, but he felt confident that it was equally unconstitutional to attempt to terrify the House of Commons with threats of what might be done in the Lords. The avowal of the right hon. Secretary was distinctly this, that part of the produce of the Church lands was to be directed to public purposes, or any other objects to which Parliament should deem fit to appropriate that property. This was the basis of their measure, and he called on the House to stand by this measure. The people would stand by them if they were not cowards. But the people would never stand by a vacillating Ministry, whose every measure displayed their incapacity, and tended to betray the country into a state of unexampled uncertainty as to what was or was not to be conceded to the public voice—the people of the united empire.

Lord *John Russell* confessed he turned with gratification from the frothy declamation which had so lavishly been bestowed on the subject, to the calm, and, as usual, rational arguments which had been addressed to the House by the hon. member for London, however he differed from the hon. Member in the view he had taken of this alteration in a main feature of the Bill. The origin of the measure in that House ought not to be lost sight of. He agreed that Church property ought not to be lightly touched, yet there was no doubt that Parliament had the power, and that it was in its province to alter the nature and adjust the appropriation of that property of the Church of Ireland, to procure thereby positive and substantial benefits for the public at large, more particularly if such a change were called for in order to procure for the people the benefit of superior religious instruction and moral advantages. At the same time, it was, in his opinion, much to be deprecated, that the question as to the power of Parliament should be raised until it was absolutely necessary; for he was personally convinced, that to discuss the question might bring on a convulsion in this country. The different views taken upon this subject made it one of a very delicate nature. Those who opposed the appropriation of Church property, contended, that to appropriate Church property in the manner suggested, was neither more nor less than spoliation; whilst the hon. member for Derbyshire, and the hon. member for London appeared to consider the clause chiefly valuable, because it sanctioned the principle of appropriating Church property to State purposes. If Ministers yielded to this feeling, they would not be carrying into effect their own principle; but would, without any adequate necessity, be yielding to the general principle of the diversion of Church property for State purposes. If that House was to enter into a contest with the Lords, they should do it for something worth contesting. The present was but the shadow of a claim, to prosecute which would be risking the peace and tranquillity of the country, for the sake of an abstract principle. He regarded the Constitution in a very different light from some hon. Gentlemen. The check which one House exercised over another, was not invented for the purpose of bringing the two Houses into collision on every difference of opinion, but in order that measures should be adopted that were satisfactory to both, and beneficial to the country. There was no doubt that the diminution of the number of Bishops, and the abolition of the Church-cess, would not be voluntarily acceded to by the House of Lords, but merely because, on considering the nature of the Constitution, they would feel it their duty to yield to the sense of the country, and to the declared wish of the House of Commons. The question for them to consider was, whether, at the present season, they would think it worth while to pass a Bill which contained many essential benefits, although it did not sanction a principle to which there existed, in the minds of some men, great, and perhaps, insuperable objections. If that House were to enter into a contest with the House of Lords, he hoped the contest would take place on a question of some importance, and that they would not wantonly, and on trivial grounds, provoke a collision. Although the House of Commons was, doubtless, the stronger of the two branches of the Legislature, yet he hoped they would use their power with temper and moderation. Some of the hon. Gentlemen on the other side, especially the hon member for Colchester, supported the clause, because they imagined, that if this clause were retained, there would be more probability of the Bill being rejected—an event to which they looked forward with no inconsiderable satisfaction. He could not at all approve such a feeling. He could understand it as proceeding from those, who, in the discussions which had taken place in that House, had paid but little regard to the general security of property; but for himself, he was of opinion that this country could not stand a revolution once a year. Under the present circumstances of the country, they were all bound to make sacrifices to preserve and promote tranquillity, and the security of property. Let others be for convulsion, he was for peace.

Mr. *Methuen* regretted very much to hear so unconstitutional a doctrine as that which had been laid down by the noble Lord, and others of the Ministry, as to the conduct to be pursued by that House in anticipation of a collision with the House of Lords. His opinion entirely clashed with that of the noble Lord, and he called on the House of Commons, in the name of the people of England, to do their duty fearlessly. The next question was, were the people of England to succumb to the House of Lords? He was bound, as an honest man, to say that no power on earth should have induced him to vote for the Coercive Measure, had it not been his opinion that his Majesty's Ministers would carry out the principles of the remedial measure in the spirit in which it was first introduced, without reference to any party in the country, or to any power, however high.

Sir *Robert Inglis* said, that even if this clause were left out there was quite sufficient in the Bill to mortify the friends of the Established Church, and afford matter of triumph to its enemies—there was enough still left in the Bill to induce him to give it his most determined opposition. To adopt this clause, under existing circumstances, would, in his opinion, be nothing less than a gratuitous insult to the Clergy.

Sir *Henry Willoughby* said, the Ministers had only abandoned a principle which was found to be totally untenable. If the same principle were attempted to be established with reference to private property, every man then would rise in arms against it. If acted upon, then enactments would not be looked upon as mere Acts of Parliament, but as Acts of Confiscation.

Mr. *Hardy* contended that the same principle which the clause would establish as to Church property taking a portion of it because its value was enhanced by an Act of the Legislature, might with equal justice be applied to private property, such as canals, docks, and commons when inclosed. If the hon. member for Middlesex was correct, his Majesty's Ministers were in a state of extreme jeopardy; for if they retained the clause they were in great jeopardy from the House of Lords, and if they expunged it they were in danger from six out of every seven men whom they might meet out of that House.

Mr. *Dominick Browne* rose, but his voice was drowned in the cries of "Question."

Mr. Secretary *Stanley* felt the importance of coming to a decision that night, but begged a hearing for his hon. friend the member for Mayo, who had the great parliamentary merit of making short speeches.

Mr. *Dominick Browne* said, it was now proposed that they should of a sudden come to a decision quite opposed to that which they had entertained for the last three or four months. It always gave him great pain to differ from his Majesty's Ministers, but he was compelled to do so in the present instance. He would rather have a Tory Administration—would rather see the present Ministry break up—would rather see a dissolution of Parliament, than that it should go forth into Ireland that the Reformed Parliament had declared that Church property was inalienable. He could conceive nothing more disastrous than the effects which such a proceeding would have on the people of Ireland.

Mr. *Baldwin* supported the clause as it originally stood. He denied that the clause went to appropriate Church property; all that it appropriated was the right of the reversion to the property at present held on lease.

Mr. *Robert Ferguson* wished to have the principle established and the details might be altered; but the withdrawal of the clause would do away with the principle.

Mr. Secretary *Stanley* wished the House to be aware that the clause did not open the question whether the State had or had not a right to deal with Church property. No such question was at issue before the House. If it were he might be obliged to vote one way, and his right hon. friend another. That was not the question at issue, and those who voted for the omission of the clause might adhere to and act upon their opinion, that Parliament might interfere with Church property without any inconsistency whatever. The Government thought that the property was different from any other description of Church property referred to in the clause, and might be separated from it; but that idea had been discountenanced by both sides of the House. The question then was whether the property was not to be dealt with as other Church property, and to be placed in the same fund, and devoted to the same purpose, as other Church property? He again repeated, that the abstract question of the right of Parliament to deal with Church property was not before the Committee.

The Committee divided on the Question that the clause stand part of the Bill:—Ayes 149; Noes 280—Majority 131.

The House resumed—the Committee to sit again.

List of the AYES.

ENGLAND.

Aglionby, H. A.
Attwood, T.
Bainbridge, E. T.
Beauclerk, Major
Beaumont, T. W.
Barnard, E. G.
Bewes, J.
Blamire, W.
Bowes, J.
Briggs, R.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Buller, C.
Bulwer, H. L.
Cayley, E. S.
Chaytor, Sir W.
Chichester, J. P. B.
Childers, J. W.
Clay, W.

Cobbett, W.
Collier, J.
Curteis, H. B.
Dashwood, G. H.
Davies, Lieut.-Col.
Divett, E.
Dundas. Capt. J. W.
Dundas, Hon. J. C.
Ellis, W.
Evans, W.
Evans, Colonel
Ewart, W.
Faithfull, G.
Fellowes, H. N.
Fielden, J.
Fitzroy, Lord C.
Gaskell, D.
Gisborne, T.
Grote, G.
Guest, J. J.
Guise, Sir B. W.
Hall, B.
Handley, Major
Harland, W. C.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Heathcote, J. J.
Heron, Sir R.
Hill, M.
Hoskins, K.
Howard, P. H.
Hudson, T.
Hume, J.
Humphery, J.
Ingilby, Sir W. A.
James, W.
Jervis, J.
Lambton, H.
Langdale, Hon. Chas.
Lee, J. L. H.
Leech, J.
Lennard, T. B.
Lister, E.
Lloyd, J. H.
Lopes, Sir R.
Martin, J.
Methuen, P.
Molesworth, Sir W.
Moreton, Hon. A. H.
Morrison, J.
Ord, W. H.
Palmer, General
Parrot, J.
Pease, J.
Philips, M.
Potter, R.
Pryse, P.
Richards, J.
Robinson, G. R.
Roebuck, J. A.
Rolfe, Robert M.
Romilly, J.
Romilly, Edward
Russell, Lord C. J. F.
Scholefield, Josh.
Stanley, Edw. J.
Strutt, Edw.
Tayleure, W.
Tennyson, Rt. Hn. C.
Thicknesse, R.
Todd, J. R.
Tooke, W.
Torrens, Colonel
Trelawney, W. L. S.
Turner, W.
Vincent, Sir F.
Walter, J.
Warburton, Henry
Ward, H. G.
Watkins, J. L.
Wason, Rigby
Wigney, I. N.
Wilbraham, George
Williams, W. A.
Williamson, Sir H.
Wood, Alderman M.

SCOTLAND.

Abercromby, Right Hon. J.
Ferguson, Robert
Fleming, Hon. Adm.
Gillon, W. P.
Hallyburton, Hn. D. G.
Oswald, R. A.
Oswald, J.
Parnell, Sir H.
Stuart, R.
Wallace, R.

IRELAND.

Baldwin, Dr.
Barron, W.
Barry, G. S.
Bellew, R. N.
Bernard, Hon. W. S.
Blake, M. J.
Browne, J. D.
Browne, D.
Callaghan, C.
Chapman, M. L.
Clementi, Lord
Coote, Sir C. H.
Evans, G.
Finn, W. F.
Fitzgerald, T.
Fitzgibbon, Hon. B.
Fitzsimon, C.
Fitzsimon, N.
Grattan, H.
Howard, R.
Jephson, C. D. O.
Lalor, P.
Lynch, A. H.
Macnamara, W. N.
Martin, J.
Nagle, Sir R.
O'Brien, C.
O'Connell, M.
O'Connell, J.
O'Connell, Morgan
O'Connor, D.
O'Connor, F.
O'Ferrall, R. M.
Roche, William
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Stawell, Colonel
Sullivan, R.
Talbot, J.
Talbot, J. H.
Vigors, N. A.
Walker, C. A.
Wallace, T.
White, S.

TELLER.

O'Connell, D.

PAIRED OFF.

Bayntun, S. A.
Hutt, W.
Oliphant, L.
Tynte, K. C. J.

List of the NOES.

ENGLAND.

Andover, Lord Visc.
Apsley, Lord
Ashley, Lord
Atherley, A.
Attwood, M.
Baring, A.
Baring, F. T.
Bell, M.
Bentinck, Lord G. F. C.
Berkeley, Hn. G. C. F.
Bethell, R.
Blackstone, W. S.
Boss, J.
Brigstock, W. P.
Brodie, Captain
Brougham, J,
Buller, J. W.
Buller, E
Bulteel, J. C.
Burton, H.
Buxton, F.
Byng, G.
Byng, Sir J.
Campbell, Sir J.
Carter, J. B.
Cartwright, W. R.
Cavendish, Hon. C.
Cavendish, Colonel
Cayley, Sir G.
Chandos, Marquess of
Chaplin, Col. T.
Chapman, A.
Chetwynd, Captain
Clive, E. B.
Clive, Viscount
Clive, Hon. R.
Codrington, Sir E.
Collier, J
Cooper, Hn. A. H. A.
Crawley, S.
Dare, R. W.
Darlington, Earl of
Donkin, Sir R. S.
Dugdale, W. S.
Duncannon, Visc.
Duncombe, Hon. W.
Dundas, Hn. Sir R. L.
Ebrington, Visct.
Edwards, J.
Egerton, W. T.
Ellice, E.
Estcourt, T. G. B.
Fancourt, Major
Fazakerly, I. N.
Feilden, W.
Fenton, Capt. L.
Ferguson, Gen. Sir R.
Finch, G.
Folkes, Sir W.
Forster, G.
Fox, Lieut.-Col. C. R.
Freemantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Gladstone, T.
Goulburn, Rt. Hon. H.
Graham, Sir J. R. G.
Grant, Rt. Hon. R.
Grey, Hon. Colonel
Grey, Sir G.
Gronow, Capt. R. H.
Hughes, H.
Halse, J.
Handley, W. F.
Handley, H.
Hanmer, Sir J.
Harcourt, G. V.
Hardinge, Hon. Sir H.
Hardy, J.
Heathcote, G. J.
Henniker, Lord
Herbert, Hon. S.
Herries, Rt. Hn. J. C.
Hodges, T. L.
Hodgson, J.
Hornby, E. G.
Horne, Sir W.
Hotham, Lord
Houldsworth, T.
Howick, Visc.
Halcombe, J.
Hope, H. F.
Hurst, R. H.
Hyett, W. H.
Ingham, R.
Inglis, Sir R.
Jermyn, Earl
Jerningham, Hn. H. V.
Johnstone, Sir J. V.
Keppel, Major G.
Kerry, Earl of
Key, Sir J.
King, E. B.
Knatchbull, Sir E.
Labouchere, H.
Lamont, Capt. N.

Langston, J. H.
Langston, Col. G.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord A.
Lester, B. L.
Lewis, Hon. T. F.
Lincoln, Earl of
Littleton, E. J.
Locke, W.
Lowther, Hon. C. H.
Lumley, Viscount
Lushington, Dr. S.
Lyall, G.
Lygon, Hn. Col. H. B.
Maberly, Col.
Macaulay, T. B.
Mangles, J.
Marryat, J.
Marshall, J.
Mildmay, P. St. J.
Miller, W. H.
Milton, Lord Visct.
Molyneux, Lord
Morpeth, Viscount
Mosley, Sir O.
Mostyn, Hn. E. M. L.
Noires, Lord
North, F.
Ossulston, Lord
Owen, H. O.
Palmer, C. F.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pechell, Sir S. J. B.
Peel, Sir R.
Peel, Col. J.
Pelham, Hn. C. A. G.
Pendarves, E. W.
Peter, W.
Philips, Sir G.
Philips, C. M.
Philpotts, J.
Pigot, R.
Pinney, W.
Plumptre, J. P.
Ponsonby, Hn. W. F. S.
Poulter, J.
Powell, Col. W. E.
Poyntz, W. S.
Price, Sir R.
Pryme, G.
Reid, Sir J. R.
Rice, Rt. Hon. T. S.
Rickford, W.
Rider, T.
Ridley, Sir M. W.
Robarts, A. W.
Ross, C.
Rotch, B.
Rumbold, C. E.
Russell, Lord J.
Russell, W. C.
Ryle, J.
Sanderson, R.
Sandon, Visct.
Sanford, E. A.
Scott, Sir E. D.
Scott, J. W.
Scrope, P.
Sebright, Sir J.
Shawe, R. N.
Sheppard, T.
Simeon, Sir R. G.
Skipwith, Sir G.
Smith, J. A.
Smith, J.
Smith, R. V.
Somerset, Lord G.
Spankie, Mr. Sergeant
Stanley, E. G. S.
Stanley, Hon. H. T.
Stanley, E.
Stavely, J. K.
Stormont, Viscount
Strickland, G.
Surrey, Earl of
Sutton, Rt. Hn. C. M., Speaker
Tancred, H. W.
Taylor, Rt. Hn. M. A.
Thompson, Ald.
Thomson, P. B.
Tower, C. T.
Townley, R. G.
Troubridge, Sir E. T.
Tullamore, Lord
Tyrell, Sir J. T.
Verney, Sir H.
Vernon, Hon. G. J.
Vernon, G. H.
Villiers, Viscount
Vivian, Sir H.
Vivian, J. H.
Vyvyan, Sir R.
Walker, R.
Wall, C. B.
Walsh, Sir J. B.
Waterpark, Lord
Watson, Hon. R.
Wedgwood, J.
Weyland, Major R.
Whitbread, W. H.
Willoughby, Sir H.
Winnington, Sir T.
Wood, Colonel T.
Wood, C.
Wrottesley, Sir J.
Wynn, Rt. Hn. C. W.
Yorke, Captain C. P.
Young, G. T.

SCOTLAND.

Adam, Adm.
Agnew, Sir A.
Arbuthnot, Hn. Gen.
Bannerman, A.
Bruce, Cumming
Colquhoun, J.
Dunlop, Capt. J.
Elliott, Hon. Capt.
Ewing, J.
Fergusson, Capt. G.
Gordon, Hon. Capt.
Grant, Rt. Hon. C.
Hay, Sir J.
Hay, Col. A. L.
Jeffrey, Rt. Hon. F.
Johnston, A.
Johnstone, J. J. H.
Loch, J.
Mackenzie, J. A. S.
Macleod, R.
Maxwell, Sir J.
Murray, J. A.
Ross, H.
Sinclair, George
Stewart, E.
Stewart, Sir M. S.
Traill, G.

IRELAND.

Acheson, Visc.
Archdall, Gen. M.
Bateson, Sir R.
Belfast, Earl of
Castlereagh, Visc.
Christmas, J. N.
Cole, Lord
Cole, Hon. A.
Conolly, Col. E. M.
Cooper, E. J.
Corry, Hon. H. L.
Daly, J.
Ferguson, Sir R. A.
Hayes, Sir E.
Hill, Lord M.
Knox, Hn. Col. J. J.
Lefroy, A.
Maxwell, H.
Mullins, F. W.
O'Neill, Hon. Gen. J.
Oxmantown, Lord
Perceval, Col.
Shaw, F.
Tennant, J. E.
Verner, Col. W.
Young, J.

WARWICK ELECTION.] Sir *Ronald Ferguson*, in moving, pursuant to notice, for a Select Committee to consider the Report of the Committee on the Warwick Election Petition, said, that he would not trespass at any length upon the time of the House at that late hour, but should content himself with a brief statement of facts. On the 20th of February, a petition was presented from certain electors of the borough of Warwick against the return of Sir Charles Greville, on the ground of corruption, bribery, and the illegal and unconstitutional interference of the Earl of Warwick in the election. Immediately afterwards a counter petition was presented against Mr. Bolton King, the present sitting Member. A Committee was appointed in May to investigate the allegations of bribery and corruption against the agents of Sir Charles Greville, and the alleged illegal interference of the Earl of Warwick on his behalf. As regarded the case of Mr. Bolton King, there was no charge of unconstitutional interference, the petition against his return being confined to allegations of bribery. The Committee sat, and proof was given that twenty-two voters had been bribed by Sir Charles Greville's agents. Upon this the counsel of Sir Charles Greville gave up the case, and the Committee had no means of continuing the inquiry, there being no party to defray the heavy expenses inseparable from it. The investigation was therefore closed; but the Committee thought they had had sufficient evidence submitted to them to enable them to make a special Report. He was now to ask the permission of the House to institute a further inquiry into the subject. It was proved that Mr. Brown, steward to Sir Charles Greville, had paid into a bank, in the town of Warwick, 3,500*l.*, to the credit of Mr. Tibbetts, town clerk, who was the agent to the Earl of Warwick, and that Tibbetts gave checks to the agents employed in the election. He thought that he had stated enough to satisfy the House that this was a case for further inquiry. It was with great regret he found himself compelled to move for a Select Committee, but he referred any Gentleman, who doubted its necessity, to the evidence. He proposed to name, as a Select Committee, the Gentlemen who had sat on the Election Committee, because they were best qualified to resume and carry on the investigation from the point at which it had stopped. In conclusion, he moved, that a Select Committee be appointed, to consider and report the best mode of preventing bribery, treating, and other corrupt practices, in future elections of Members to serve in Parliament for the borough of Warwick.

Lord Molyneux seconded the Motion.

Sir *John Hanmer* opposed the Motion, and gave it as his opinion, that the allegations contained in the Report of the Committee were not borne out by the evidence. He deprecated the institution of the proposed inquiry, merely on the ground of so few as twenty cases of bribery, and expressed a hope that Parliament would not, at the present late period of the Session, enter into such a discussion.

Mr. *Ellice* rose to suggest to his hon. friend (Sir Ronald Ferguson) the introduction of an Amendment into his Motion, which he thought was essentially necessary for the purpose of carrying the objects, which he had in view, into effect. One of the grounds upon which his hon. friend moved for this Committee was, that the late Committee had been stopped in its inquiries into the proceedings that had taken place at the late election for Warwick. Now it did not appear, from the terms in which his hon. friend's Motion was worded, that the Committee which he proposed to appoint would have the power to inquire into those proceedings. He would, therefore, suggest, that the Motion should be altered to this effect:—"That a Select Committee be appointed to make further inquiry into the proceedings that took place at the last election for the city of Warwick, and to consider and report what further means should be adopted to prevent bribery, treating, &c., in that borough." The present Motion was proposed without reference to who had, or who had not, been candidates there at the late election, and the object of it was to trace those proceedings to their source, and to provide a remedy against their recurrence.

Mr. *Langdale* maintained, that the statements contained in the Report of the Committee were fully borne out by the evidence that had been laid before them, and that the House would lose its character with the country if it did not institute the proposed inquiry.

Sir *Edward Knatchbull* suggested, that the precedent in the Stafford case should be followed in this.

Mr. *Halcombe* said, if they should go into the inquiry, it would be found that Warwick was a place in which bribery had been little known. He was surprised at the Report of the Committee, looking at the evidence which had been laid before them, and he was further surprised that, instead of calling Sir Charles Greville's banker before them to give evidence, they had called Lord Warwick's banker for that purpose. That was a new way to elicit evidence. It was extremely hard thus to call in a third party, a banker, and make him produce the private accounts of an individual banking with him, in order to bring home a charge of bribery to another person. If he were placed in such a situation, he would rather go to Newgate than give evidence so required from him.

Sir *Ronald Ferguson* said, Sir Charles Greville, he believed, had no banker in Warwick. He was ready to adopt the Amendment of his hon. friend.

The Motion, as amended, was carried.

On the Motion, that the Members of the late Warwick Election Committee should be appointed as the Members of the Select Committee, being put,

Sir Edward Knatchbull moved, as an Amendment, that the said Select Committee should be chosen by ballot.

Mr. *Murray* said, that the carrying of such an Amendment would tend to cast an unjust reflection on the Members of the late Committee, who had fearlessly discharged their duty; and that the only effect of it would be to cloak the bribery that had taken place.

The House divided on the Amendment: Ayes 11; Noes 97—Majority 86.

The Committee accordingly appointed.

* * *

HOUSE OF LORDS,

Monday, June 24, 1833.

MINUTES.] Petitions presented. By Lord SUFFIELD, from Hexham (Northumberland) for Church Reform.—By the Earl of SHREWSBURY, from the Roman Catholics of Wigan, to Legalize Marriages Performed by their own Clergymen only.—By the Bishop of LICHFIELD and COVENTRY, from Baslow,—for a Better Observance of the Lord's Day.—By the Duke of WELLINGTON, from Inverness, for Abolishing Slavery, and giving Compensation to the Owners of West-India Property.—By the Earl of CARLISLE, from a Methodist Congregation, for Abolishing Slavery, and giving Religious Instruction to the Negroes.

LOCAL JURISDICTION.] On the Motion for recommitting this Bill,

The Earl of *Eldon* rose and said, that if the measures then before their Lordships, and the Bills in the other House, the object of which was to alter the existing state of the law were passed, as it were, in a mass, the consequence would be a great deal of mischief and confusion. In opposing those measures, he was not actuated by anything personal—far from it. He protested before their Lordships, that nothing but the most sincere wish to do his duty, and more particularly to the poor subjects of this country, could induce him to give the determined opposition which he meant to give to the present Bill. He would say: "Let the Bill go over and over again through a Committee, and if it could be so altered as to meet his views (which he feared was impossible), he would not further oppose it; but if the contrary were the case, he would come down on the third reading of the Bill, and enter his protest against it." He begged leave to examine the Bill a little in detail. Was it a Bill for at once establishing Local Courts throughout the country? No such thing. It went to alter the whole course of proceedings under the common law, by selecting such counties, or parts or districts of counties, as those to whom the power was given, might think fit and proper places wherein to try this new experiment. What would be the consequence of this? Why, there would, under this system, be one mode of administering the law in one county, and another in another county. In some districts they would proceed according to the existing law of the land, while in others, they would have recourse to the Courts established under this Bill, for the purpose, he supposed, of enabling people to judge whether the new system, or the Common-law, worked best. The profession of the law were more disinterested than the noble and learned Lord on the Woolsack seemed to suppose. The Judges were willing to assist in effecting any improvement or wise alteration in the law, although they might view with some apprehension so extensive and sweeping a measure as this. He objected to that part of the Bill which related to the appointment of Judges in the Local Courts. There was a wide difference between the way in which the law was now administered by the sages of Westminster-hall, and the way in which it would probably be administered by young men of ten years' standing at the bar, or sergeants who might not be of ten years' standing. There were many contradictions and discrepancies in the Bill. The first clause assumed the positive necessity which existed for the establishment of Local Courts, while the second spoke of the matter as being neither more nor less than a mere trial—a mere experiment. Under this new system, the country Commissioners of Bankrupt would be superseded. Now, he knew, from his own experience for many years, that the country Commissioners of Bankrupt were a most estimable body of men. Many of them had been at the bar, or had practised as solicitors, for a long period of time; and he knew not of any delinquency having ever been committed by any of them. He could not approve of a measure by which a young barrister was to be sent down to supersede the Judges of the land. Such a barrister would be empowered under this Bill to meddle with the real property of individuals, to deal with estates, either in possession or reversion, where verdicts were obtained in one species of cases for 20*l*., and in another for 50*l*. He objected also to the Judge, who had fruitlessly attempted to reconcile a cause, being afterwards allowed to preside at the trial of that cause in the Local Court. Against that, there was no provision in the Bill. He would pay proper attention to the Bill, if it got into Committee; but he could not conceive any alteration that could be made in it that would lead him to give his consent to such a measure. He should not say a word in the Committee, because he could not see what alteration could be made in the measure, so as to render it a safe and proper one; but if the Bill arrived at a third reading, he would come down, and with all his heart and soul, register his dissent to the measure. It might be considered the opinion of a superannuated lawyer; but such as it was, the present generation and posterity should be apprized of it. His Lordship concluded by moving: "That this Bill be re-committed this day six months."

The *Lord Chancellor* said, he was sure his noble and learned friend would believe that he was sincere when he expressed the great respect which he must naturally feel for his long and mature experience; and he would further observe, that any opinion which his noble and learned friend might form, however different it might be from his own, must always command his attention. The alarm respecting Law Reforms, however, which on this, as on former occasions, his noble and learned friend had manifested, seemed to deprive him of that acuteness and accuracy of judgment which were necessary in coming to a correct knowledge of the nature and principles of the intended alterations. He confidently expected, that when the measure was reduced to its proper size—when it was shown in its own true and natural dimensions—when it was proved that it was not likely to produce those evils which the scared imagination of his noble and learned friend had predicted, it would receive the sanction of the House. He could not, however, and he was sorry for it, hope for the support of his noble and learned friend to the measure, —he could not hope, that his noble and learned friend would hereafter feel less repugnance to it than he did at present. First of all, his noble and learned friend, exercising his own judgment on the subject, had assumed, that a mass of measures, having extensive law reforms for their object, were to be considered at once—were to be taken in the lump—were to be swallowed at one gulp—without any time being given for deglutition or digestion. So far from that being the case, the purpose of those who had the care of these measures was to avoid such haste—to render it, impossible, if any thing could effect that, for any one to bring that charge. To attempt to preclude the bare possibility of himself and his learned friend being subjected to such a charge, the measures had all been separated; they had been kept sedulously apart; one by one they had been propounded to their Lordships—one by one they had been brought forward, with such explanations as could be given of them — and on no occasion had their Lordships been called on to consider more than one of them. All that he and his learned friends had done on any occasion, and all that their Lordships had been called on to do on any given evening was, to advance one of these measures one little moderate step. His noble and learned friend had expressed himself sorry that they were legislating in such a hurry; but to show how slowly they had proceeded, he would just advert to the course which had been pursued. First, the principle of the Bill was, by agreement, to be taken and discussed on the motion for going into Committee. He (the Lord Chancellor) came down and opened the measure to their Lordships, a debate ensued, was brought to a close, and, without a division, the House resolved itself into a Committee on the Bill. Why, then, one would have thought, when their Lordships had gone into the Committee, and disposed of the principle of the measure—when, in fact, they had been twice in Committee, and made amendments in the Bill, that all further opposition to the measure as a whole would have been at an end. But now, on a motion for re-committing the Bill, up got his noble and learned friend, and made a motion which was directed, not against the details, but against the principle of the measure which had already been recognized. He never knew such a course to have been adopted in either House of Parliament. On the motion that the House should resolve itself into a Committee, into which they had previously gone, and in which they had made some progress, and when they were about to make still further progress, his noble and learned friend rose and proposed the extraordinary amendment, that the Bill should be recommitted that day six months, instead of going on, and making some further progress in this great question. This course of proceeding was somewhat hard on their Lordships. He would not complain of any inconvenience which it had caused to himself, although he must say, that it was a hardship on him also. They had taken the debate on the principle—they had gone into Committee—night after night, by considering the Bill in Committee, they had admitted the principle—and yet several attempts had afterwards been made to impugn it. One night he had a long argument with one noble and learned friend (Lord Lyndhurst), when the principle of the Bill was largely discussed; that noble and learned friend came down on another night, and, on the motion for committing the Bill, entered on the same subject; and now, when they were about re-committing the Bill, he was compelled again to renew the debate with his other noble and learned friend. When this debate was closed, and his noble and learned friend's motion was negatived, as he hoped their Lordships would negative it, after they had gone into the Committee, and made some progress, he supposed some other noble Lord would, on a future occasion, come down and renew the discussion of the principle of the measure, renew the debate, renew the opposition to the Bill, and with precisely the same result. He knew not where this sort of proceeding was to end —he knew not when the discussion was to terminate—if this plan were adopted; because he who was defeated one night, might, after three debates, come forward and raise a fourth debate; another noble Lord might raise, in the same manner, a fifth debate, and thus create an immensity of delay. They might still go on thus debating the principle of the Bill (after it had been decided on), day after day, and that too on one stage of the measure. This, he thought, a most extraordinary mode of meeting a question. He never knew it to have been adopted in the greatest heats that had prevailed in either House of Parliament. He had never known such a system to have been acted on in the House of Commons, amidst the fiercest debates, for the purpose of carrying any point. Such a course had not been pursued even on that great question, the Reform Bill, although the greatest disposition to oppose and to obstruct it prevailed. On that occasion, the course of opposition which noble Lords now adopted had not been brought forward in either House of Parliament. He judged, from some of his noble and learned friend's objections, that he had misunderstood, because he had certainly misrepresented, the details of this Bill. His noble and learned friend complained that it was an experiment. In one sense he would claim the expression, he had made use of it himself, but certainly not in the sense in which his noble and learned friend used it, nor in the sense in which it had been used by his noble and learned friend the late Chief Justice of the Common Pleas, from similar inadvertence. There was no one that ever mooted the question of local courts for the last fifteen years—and he followed several who had done so—who was not convinced that the establishment of those courts was expedient—that such courts were necessary—that the time had come when this great and salutary improvement of the law should be carried into effect—that the Legislature was called on to grant this mighty blessing—this act of common justice to his Majesty's subjects. It was no experiment therefore on this point—namely, whether these courts were expedient or necessary, or ought to be established. If any noble Lord doubted this, and much less if he denied it—if he thought this was an experiment in the sense of the noble and learned Lords to whom he had alluded—he certainly would have no right to expect that noble Lord's support on this occasion. But the Bill proceeded on a principle which was firmly established —namely, that such courts ought to be established. That point was settled. But thus far it was an experiment—it was deemed necessary to ascertain how the principle worked, in order that they might know how to construct the machinery for carrying it into effect; and render its details perfect; and, therefore, it was proposed to establish two or three of these courts in different places before they were spread over the whole country. They would thus have the advantage of knowing how far the details answered—how far the machinery of the Court was effective —how far the minuter parts of the system were adapted to answer the proposed end, which it was impossible for them to know till they had had the benefit of experience. They would thus be enabled to avoid evils, and introduce that which would be advantageous according to the information which the trial might afford. There was, however, no question whatever as to the expediency of establishing those Courts; that was decided, and in that there was nothing of experiment. All that was aimed at in taking this course was to give a fair trial to the working of the details and machinery of the measure, in order that they might see what they would do. To show how unfairly men, actuated by strong feelings, and anxious to advance, even at hazard, strong objections against a measure, were apt to conduct themselves, he would just advert to what had been alleged against this measure and the introducers of it. If he had at once said, "Let those Courts be immediately established over all England—let Local Courts be fixed in every county or every part of a county, where it may seem desirable," would not his noble and learned friend have exclaimed—"What! are you going to establish twenty or twenty-five Courts, before any mortal man can possibly know whether the machinery of those Courts is adapted to your purpose? I recommend you, in the first instance, to try three or four Courts; you will then see how the machinery of the proposed Bill is likely to answer, and you will know how to proceed. Improvements may be suggested, and then, and then only, you may spread those Courts all over the country." His noble and learned friend objected to the machinery of the Court of Reconcilement, and spoke of the inexpediency of making the Judge of the Local Courts also a Judge in cases of reconcilement, inasmuch as if he failed in reconciling the parties, he would not be able with any degree of propriety to try the cause. His noble and learned friend complained, that this difficulty was not provided for, but it certainly was, and the only thing necessary was to take two contiguous districts and unite the Courts to this extent, that reconcilement cases which failed in the one Court should be taken as actions to the other. His noble and learned friend had alluded to him as attacking the profession of the law to which he had the honour to belong (a profession to which, and to the members of which, he felt as sincerely attached as his noble and learned friend), and his noble and learned friend appeared to blame him for having described some of the members of that profession as being hostile to changes and improvements in the law, and liable to the general charge of illiberality. Now he certainly had stated, and was ready to repeat the statement, that it was not unnatural, but the very contrary (though much to be regretted), that from their character and habits lawyers were much averse from change in any part of the system under which many of them had lived long, in which they had grown old, and to which they were attached; that they were, beyond all bounds of reason or justice, averse, not so much on account of their own interest, in many cases (such as that of his noble and learned friend), as in consequence of irresistible prejudice, from any material alteration in the law; and, further, that in a great number of cases they were influenced in their opposition to change by views connected with their own interest, by which they could not help being swayed, and for being swayed by which he did not blame, but, on the contrary, commended them. Under such circumstances, it was perfectly natural that persons in the legal profession should be extremely set against improvements in the law, and should oppose them with all their might. He said nothing against that; it was quite natural and unavoidable; but that was no reason why he should yield to the opposition, and above all it was no reason why their Lordships should yield to it. It might be the interest of the legal profession to resist such bills as the present; but it was not the interest of the country or of suitors that they should be successfully resisted; and their Lordships would bear in mind also, that the interest of members of the profession of the law constituted no reason for the Legislature turning a deaf ear to the cases of those who were the prey of the profession, or, more properly speaking, of the abuses and faults of the existing system. He would go further, and say, that the system itself might be to a considerable extent good—its foundation might be solid, and the bulk of the superstructure pure—the benefits connected with it might outweigh its defects; all this might be perfectly true of our legal system, but did it follow that we were not to introduce all the improvements which it required, and of which it was susceptible? He asked their Lordships, or any other men living who had no sinister motives or private interests to warp their judgments, whether beneficial alterations ought to be impeded because there was a reluctance in the profession to admit them? He appealed from the narrow prejudices of a few individuals, and from the interested views of more, and from the sinister motives of others, to the good sense of their Lordships and of all mankind—he appealed from those whose prejudices, quite apart from, and independent of, any possible private interest or personal motive, leagued them (as in the case of his noble and learned friend) with the interested members of the profession, and induced them to lend their powerful co-operation to those who were stedfastly set against all improvement—he appealed from such individuals to the country. This system of local jurisdiction, which had been described as all but a revolution, which was characterized as unsettling the foundations of property and tearing up law by the roots, had been in a considerable degree the law of Ireland for the last half century. In that country a similar system, extending like the present to sums of 20*l.*, had long existed without causing society to be disorganized, the country to be laid waste, or the foundations of property and all rights to be destroyed. Not one of the speculators and theorists who had of late years discussed Irish affairs ascribed the mischiefs of which they complained to the jurisdiction of Assistant Barristers under the civil Bill process, yet, as he had already stated, to the extent of 20*l.* the Local Courts of the Assistant Barristers, possessed jurisdiction all over that part of the kingdom. When Lord Clare first established that system, he was charged, pretty much, as another Chancellor had lately been charged, with an unnatural hatred of his own profession, with a neglect of their interests, if not with a disposition to destroy the profession. Lord Clare despised these charges; he went on; the Legislature adopted his plan in 1794 or 1795, about the period of the French revolutionary war, when there existed a morbid hatred of all improvements, provided they were to be effected by any change in existing institutions; notwithstanding that, the Legislature adopted the measure which had been since to the unspeakable benefit of that part of the kingdom, the law of the land. His noble and learned friend had made some remarks on the subject of the bankruptcy system, and he confessed he did feel a little surprised at the course of his noble and learned friend's observations. His noble and learned friend said so much in praise of the existing system, and lauded all persons connected with its administration so highly, more particularly the country Commissioners, that he could hardly believe his own ears when he heard such an eulogium fall from the noble and learned Lord's lips. Either the Court of Chancery, he thought had produced a marvellous effect on his noble friend, or else his noble friend's retirement from that office which he now so unworthily filled had worked a mighty change in his noble friend's sentiments; for it did so happen, that the first or second day of his noble and learned friend's taking his seat in Court was signalized by an opinion on the operation of the bankruptcy system, his representation of which he (the Lord Chancellor) scarcely flattered himself he could persuade their Lordships to be true, unless he quoted the actual words made use of upon that occasion. "The Lord Chancellor took the first opportunity to express his strong feeling of indignation at the frauds committed under cover of the bankruptcy laws, and to declare his determination to do all in his power to repress them. His Lordship added with considerable warmth, that the cause of the Bankruptcy Law was a disgrace to the country, and that it would be better at once to repeal all the existing statutes on the subject, than to go on as at present." [The Earl of *Eldon:* Yes, but I did not come to Parliament.] That was true; his noble and learned friend did not come to Parliament, but he thought it safer to come to Parliament and ask it to decide on the subject, than, sitting as Judge in a Court without appeal, to pronounce his own opinion. Surely this latter would be a far more questionable course than coming, as he did with all humility, to ask their Lordships to amend a law which admitted of so many abuses. Their Lordships recollected what had been said about security of property, and the general advantages and good of all persons under the existing system. Let them see how that system worked, according to his noble and learned friend, who went on to say, "There is no mercy shown to the estate; nothing is less thought of than the objects of the Commissions. Commissions, as they are frequently conducted in the country, are little more than so much stock-in-trade for the Assignees, the Solicitors, and (whom did their Lordships think?) the Commissioners." Here, then, according to his noble and learned friend, was a most unholy alliance amongst the very parties whom he now commended—an alliance formed for the flagitious purpose of pillaging the bankrupt's estate. His noble friend proceeded to state, that "instead of solicitors attending to their duty in a proper manner, as Ministers of the Court in Commissions of Bankruptcy, Commissions were treated as matters of private and personal interest—in fact, as so much stock in trade." His noble and learned friend added, that "unless a tight hand were held upon Commissions, they would become as great a nuisance as any in the land." Such were his noble friend's sentiments in 1801. Now he did not mean to say, that in the present day things were not greatly better than at the time when they called forth these animadversions of his noble and learned friend; it might be that they were; but any one who had practised in a Court of Law or Equity—any one who had lived in the profession half as long as he had done must know, that though there might not be now the same grounds for this excess, or, perhaps, not excess, but bulk of vituperation, as in 1801, yet, nevertheless, thirty-one years had not so entirely purified this branch of practice as not to leave any cause of blame—any reason for these or other changes and improvements nor any paramount necessity for making them. He must again remind their Lordships, that he had proceeded with caution in this matter; for his noble friend must remember that when a Bill had been introduced two years ago—a bill which, he must say, was as beneficial as any that had been introduced into Parliament in our times; (and in saying so he was only speaking on the authority of all those commercial men in the city with whom he had had any communication—he meant the Bankruptcy Court Bill) when that Bill, was introduced he had announced his intention of introducing the present measure after the other should have been tried in London—after its good effects, which he fully expected, had been felt in the metropolis, that then, with the improvements to which experience might suggest, the plan might, according to the preamble of this very Bill, be extended to the rest of the community with all the benefit of those improvements. The former Bill had succeeded, not past all expectation, but so as fully to realise all the most sanguine hopes entertained of it; and now was the time, in compliance with the wish, not of the Bar of the provinces—not of the solicitors of the country towns—not of their clerks and dependants, who might be supposed to have an interest—not as profitable an interest as it had been, but still an interest in the matter—but in compliance with the wish of the merchants, manufacturers, and tradesmen, to establish a similar measure in the country; and now the time was most favourable, when the establishment of the Local Courts would enable them to execute the plan with even still greater effect. Last of all, as to this being a hurried legislation. His noble and learned friend, in making this accusation, must have forgotten the course which had been pursued. He had first brought this Bill into the other House three years ago; it then underwent great discussion. He had no sooner been placed in the situation he now occupied, than he brought the Bill into this House. It was propounded by him to the consideration of their Lordships, and after going at length into the nature of the measure, he brought in the Bill. That was in the year 1830, at the close of the year. It stood over for a few months for further consideration, and he renewed it in the ensuing Session. At the suggestion of a noble and learned friend, it was referred to the Commissioners of Inquiry into the state of the Common-law; they reported in its favour; and how it could now be said, after all this, that the measure had been introduced in a hurry, he was at a loss to imagine. If he had been charged with proceeding too slowly, or pursuing, according to a fashionable phrase of the day, a vacillating line of conduct; or if he had been charged, as the Government were sometimes charged, with infirmity of purpose, he should have felt more difficulty in meeting that charge, than he did in meeting the charge of having proceeded with too little deliberation. He thought that three years might, by dispassionate men—three years so occupied in that and the other House of Parliament, and by investigations before Commissioners—be deemed proceeding too slowly; but that hurry, impetuosity, and want of due deliberation, should be made a charge against him, was the last thing he could have expected, or against which he should find the slightest difficulty in defending himself. He ought to apologise for addressing their Lordships three times upon the principle of this Bill; but as long as the course was adopted of debating that principle piecemeal, he was left without a choice, and was obliged to meet the objections as they were made.

The Earl of *Eldon* admitted having complained of the working of the bankruptcy system in 1801, but he endeavoured to repress the evil in his judicial capacity, and did not come to Parliament for assistance.

The House divided on the Question

that the Bill be recommitted—Content 52; Not-content 38: Majority 14.

The House went into a Committee.

Upon the first Clause being proposed,

Lord *Wynford* objected to the increased patronage which the Bill would confer upon Government. With a view to try the experiment fairly, and upon a moderate scale, he should move, by way of amendment, to omit the words "for any one or more county or counties, riding or ridings," and insert in their place "for the counties of Lancaster and Kent." He named those two counties, in order to see the working of the system in a manufacturing and agricultural district.

The *Lord Chancellor* said, that the amendment of his noble and learned friend would have an effect the very reverse of that which he proposed. As to the allegation, that this Bill would increase the patronage of the Crown, he at once admitted the fact, and he regretted it; but he did not see how it could be avoided. He once thought, that he saw a way of disposing of the patronage without vesting it in the Crown, it having been suggested that it would be a good way to vest it in the Lords-lieutenant of counties; but, on consideration, it was thought that this would be a very bad way of disposing of it. It was next suggested, that it would be well to vest the appointments in the Sheriffs of counties; but this also was abandoned as not being likely to lead to any satisfactory result. The Judges were next mentioned as proper depositories of this patronage, but he thought that those were still more objectionable as dispensers of patronage than either of the others, for, in his opinion, those learned personages could not be kept too free from any contact with matters of patronage; and, indeed, he regretted that, even that of the appointment of the revising barristers had been vested in them. On looking at every mode of disposing of this patronage which had been suggested, he thought that the least objectionable would be that of vesting it in the responsible advisers of the Crown, acting as they would in the face of the public. It was well known, that when he first introduced this measure in the House of Commons, he had proposed that the patronage should be vested in the Crown, and that, it would be remembered, was at a time when neither he, nor any of those friends with whom he acted, could have had any idea, that they would be the dispensers of that patronage. He would now say one word as to the salaries to be given to the judges to be appointed under the Bill; and he must observe, that if Parliament should give only small salaries, the Bill would fail. The wisest plan would be, to make it well worth the while of men of talents and ability to accept the appointment. Referring to this subject, a noble Baron had made a wild calculation as to the expense which the measure would occasion to the country, which he estimated at the enormous sum of 300,000*l*. That was, however, far beyond the actual amount, for if the whole number of Judges suggested by the Commissioners were to be appointed, it would not exceed 50,000*l*.; and if twenty-five such Judges were to be named, the whole expense would not exceed 60,000*l*. a-year. He should greatly regret the necessity of having any part of this paid out of the fees in Court; and he thought that if a fund were provided for the purpose from any other source, it would be so much the better; but if the payment by fees, even in part, should be resorted to, it would not alter his opinion as to the impolicy of that mode of payment.

Lord *Wynford* concurred with his noble and learned friend, that the patronage which would accrue under the Bill should be vested in the responsible advisers of the Crown. He admitted, that giving it to Lords-lieutenant or to Sheriffs, would be bad policy, and that it would be still worse to vest it in the Judges of Assize; for though he had had the honour of sitting as a Judge himself for many years, and though he had the highest opinion of the integrity of the learned Judges—and no men could be more entitled to the highest respect—he thought that the less they were mixed up with questions of patronage the better.

Lord *Lyndhurst* admitted, that if the experiment were made only in two counties, it would be unsatisfactory and inconclusive. What he objected to was, that the Crown should have the power to name the number of the Judges and the extent of the districts in which they were to preside. This, he believed, was altogether unprecedented in legislating on matters of judicature; what he was anxious to learn from Ministers was, the amount of salary which they would propose for the learned Judges to be appointed under the Bill?

The *Lord Chancellor* said, that the question was not quite regular, considering that the amount of salary was to be decided in another place; but he had no objection to state to his noble and learned friend his own individual opinion of what those salaries ought to be, and it was, that it ought not to be less than 1,500*l.* a-year for each Judge; but, in saying this, it was to be subject to future discussion. He thought that the salary ought not to be less than the amount he had said at the least.

Lord *Lyndhurst* read the clause in the Bill, which stated that the salary should not be less than 1,500*l.* a-year, with such additions from the amount of fees as his Majesty might direct, so that the whole income of any such Judge should not exceed 2,000*l.* a-year. He would not offer any further objection; he felt that it was disheartening, and of no use to enter into objections against the details of a measure in which it appeared that so few of their Lordships took any interest.

The Earl of *Wicklow* said, that the system of the assistant Barristers who presided in the Civil Bill Court, in Ireland, had given great satisfaction, and in one respect particularly—that the Barristers were not resident in the county. They were generally practising Barristers, who attended the Courts above, and went down to hold these Courts with fresh knowledge and experience each Session, and, what was more, free from those local prejudices and impressions which were inseparable from a Judge who was constantly resident in the county.

The *Lord Chancellor* said, that the system of Assistant Barristers in Ireland was so different from that which was proposed under this Bill, that it would be impossible to assimilate them. One objection to the attempt would be, that if the same system were adopted under this Bill as in the system of Assistant Barristers in Ireland, they must necessarily get a very inferior set of men as the Judges, because necessarily they must have men at much lower salaries. One great advantage of the proposed plan in this Bill would be, that the small local jurisdictions, the Courts of Request, and other Small Debt Courts, which in general at present did not administer justice either for the advantage of the debtor or creditor, or of the community at large, would gradually merge in the jurisdiction of the new Courts. In this respect, he thought there would be a great advantage in having a resident Judge.

Lord *Lyndhurst* would mention one instance of a learned Judge, who in integrity and intelligence was not surpassed by any individual on the bench, yet that most learned person had given great dissatisfaction, by constantly choosing one circuit (the northern) for a great number of years: and if such an objection was raised in his case, it would, of course, be still stronger in the case of one of a Judge of inferior standing and acquirements.

The Amendment negatived, and the clause agreed to.

The 2nd and 3rd Clauses were then agreed to.

On the 4th clause being read,

Lord *Lyndhurst* suggested that three or four Judges, travelling circuits three times a-year like the Commissioners of the Insolvent Court, would be a much more useful machinery than the twenty-five Commissioners to be appointed under this Bill. That was the system which he would oppose to the system of his noble and learned friend, and for this reason, that it would not detach these Courts so entirely from Westminster-hall.

The *Lord Chancellor* said, that there was nothing which you might not prove, provided you were permitted to assume the whole matter in debate. With all respect to the Commissioners of the Insolvent Court, against whom he did not mean to say a word, and whom he readily admitted to be most excellent men in their profession, he did not think that three or four Judges, even with abilities equal to theirs, would be able to perform the labour which it would be the duty of these twenty-five Commissioners to go through. Besides, these three or four Judges would be a sort of perambulatory Court; whereas, the object of this measure was to have a Court upon the spot always open.

Clause agreed to.

On the 6th Clause, which proposes that "the Judges and registrars shall not be removable except by address of the two Houses of Parliament,"

Lord *Wynford* said, it was rather too much to have the Registrars of these Courts—who were merely Ministerial Officers—only removable by address from the two Houses of Parliament. In every other Court in the country the Ministerial Officers were removable without the necessity of such an address. A Judge must be impeached if he were guilty of misconduct; but that was not the case with any subordinate officer of his Court.

The *Lord Chancellor* said, if you give a man an office so long as he shall behave himself therein, how are you to remove him from it if he behave himself ill, except after convicting of such ill behaviour? The Registrar in the Court of Chancery, and the Prothonotaries in the Courts of Common Law, held their offices during good behaviour; and that proviso gave the two Houses of Parliament the power of removing them by an address to the Crown. He thought, at any rate, that his noble and learned friend would not object to placing the Judges of these Courts on the same footing as the Judges of Westminster-hall. To place them on an inferior footing would be, *pro tanto*, to degrade them.

Lord *Wynford* agreed that these Judges ought not to be in any respect degraded; but, with regard to Registrars, he would only observe, that Clerks of the Peace were officers quite as high as these Registrars, and they could be removed from their offices without an address, if they were convicted of misconduct in the performance of their duties.

The *Lord Chancellor* contended, that the power given in this clause ought to exist in Parliament; for in case a Registrar was prevented by age or other infirmity from performing the duties of his office, and yet did not, legally speaking, behave himself ill, he could not be removed except by an address from Parliament to the Crown.

Lord *Lyndhurst:* Why should the Registrars of this Court be placed in a different situation from that of the Registrars of the other Courts? His noble and learned friend had not given even a plausible answer to that question, and he should, therefore, suggest to him to give way upon this point, otherwise it would show the spirit in which his noble and learned friend was desirous of discussing this Bill.

The *Lord Chancellor* thought the last remark of his noble and learned friend might as well have been spared, as he had all through these discussions declared himself anxious to adopt any real Amendments which might be suggested to him. He could assure his noble and learned friend that these Registrars had higher functions to perform than he seemed to be aware of; for instance, in the bankruptcy business their names must, in some cases, be inserted in the fiat directed to the Judges in ordinary. In other cases, where the Chief Judge was absent, they would be empowered, for certain proceedings to act as Local Judges. The Registrar's name must, therefore, be inserted in the Commission along with that of the Judge. If his noble and learned friends could point out to him any mode (save that given by this clause) of removing a Registrar rendered incompetent by age or infirmity, before that Registrar misdemeaned himself, he (the Lord Chancellor) would agree to strike out the clause. He had known instances of officers—ay, and of Judges too—who, being too old for the performance of their duties, and yet not long enough in possession of their situations to entitle them to their retiring pensions, could not be induced to resign until they received a pretty strong hint that Parliament had the power to remove them.

Lord *Wynford* contended, that the moment these officers became unable, either from age or other infirmity, to perform the duties of their situations, they could not be said to behave themselves well therein. They might, therefore, be removed by the Court of which they were the ministerial servants. So strong was his impression upon this point, that he should move that the words "the Registrars" be struck out of the clause.

Lord *Lyndhurst* said, that if the Bill really turned these Registrars into Judges, the objection which his noble friend had made to this clause fell to the ground; but he did not think that the Bill went that length. If the Registrar were, as he contended, that the Registrar was, a mere Ministerial Officer, why was he to be made an exception to the law which applied to the Registrars of the Court of Chancery, and of the Court of Exchequer? Why was a slight to be cast upon those very respectable officers by exalting this new officer above their heads? If the law were as his noble and learned friend stated, that these officers were not removable without an address to the Crown, why not amend the law in this respect altogether?

The *Lord Chancellor* said, that he really could not see the weight of these objections, nor did he think that his noble and learned friend would have attached any importance to them, had he not come down to the House as the political opponent of the Law Reform Bills introduced by the present Government. He should be sorry if the Registrars of the old Courts, whom he admitted to be most excellent and valuable public functionaries, should feel it as a slight upon themselves to have the Registrars of these new Courts placed above them. To prevent that feeling from being generated in their minds, he would agree to leave the words "the Registrars" out of this clause; but he must insist on retaining "the Judges."

Lord *Wynford* had no objection to the words "the Judges" being retained in the clause.

Lord *Lyndhurst* said, he was not the political opponent of the Law Reforms of the present Government. He thought that his noble and learned friend, in making that charge against him, had acted towards him both unjustly and ungratefully. His noble and learned friend must recollect that when he first showed him (Lord Lyndhurst) the batch of bills respecting Law Reform now on the Table of that and the other House of Parliament, he told his noble and learned friend that of those bills there were some which he highly approved of. The Limitation of Actions Bill, for instance, and, as a proof of it, he had offered his noble and learned friend to conduct it through the House. On what grounds his noble and learned friend represented him as sitting on the Opposition Benches as the political opponent of the Law Reform Bills of the present Government he could not conceive. First of all, he did not sit upon the Opposition Bench at all; and, in the next place, he had chosen his present seat in the House for the purpose of showing that in opposing this Bill he was standing by himself, and not acting as the agent of a party.

The *Lord Chancellor* reminded his noble and learned friend that the five Bills, to which he had alluded, as the Government batch of Bills, were not, in point of fact, Government Bills. They were brought into Parliament in consequence of the recommendation of the Commissioners appointed to inquire into the state of the law affecting real property. Having, however, been so introduced, they would undoubtedly have the best support of his Majesty's Ministers. In point of fact, this Bill was the only Government Bill now upon the Table.

Lord *Lyndhurst* thought that his noble and learned friend had just been guilty of a great error. He did not often forget what fell from the lips of his noble and learned friend, and in regard to this Bill, he recollected well that in introducing it originally to their notice, his noble and learned friend had distinctly said, "I introduce it, not as a Government measure, but as a measure resting upon my individual responsibility." In giving his opposition, therefore, to this Bill, he was not acting as the political opponent of the Law Reforms proposed by his Majesty's Ministers. Now, let their Lordships mark the different way in which the other Law Reform Bills came at present before their Lordships. They arose out of the recommendation of a Commission appointed by the Crown to revise the law respecting real property; and when a Government authorized a Commission to revise the law, he held that Government to be bound to bring into and carry through Parliament the Bills which the Commissioners recommended. In point of fact, the Government was doing this at the present moment.

The *Lord Chancellor* was happy to inform their Lordships, that if his noble and learned friend continued to act upon the principles which he had just laid down, he should put an end, by what he was about to say, to his noble and learned friend's opposition to this measure, which was now, in the strictest sense of the words, a Government measure. His noble and learned friend had said, that he (the Lord Chancellor) had originally proposed it as his own individual measure. True, he did so propose it in April, 1830, in the House of Commons, and again in December, 1830, in that House. On that latter occasion he had stated distinctly that it was his own individual measure, brought in on his own responsibility, and without any concert with any of his colleagues in the Administration. Mark the difference now. Formerly he had stated, that he had not communicated his Bill to his colleagues. Now, he stated that he had communicated it to them, and that it had obtained their concurrence. But their Lordships would, perhaps, recollect, that there was a wide difference between his former Bill and his present. His former Bill was much more extensive, and he would freely confess that if he had had to bring in a Bill of his own, it would have gone much further than this Bill was intended to go. He had formerly proposed to give to these Local Courts a jurisdiction over all suits where the cause of action did not exceed 100*l.*, and also to give a different right of appeal. Alterations had been suggested upon these points by the Common Law Commissioners, to whom his original Bill had been referred for consideration and revision. When it was so altered as to meet, not only with their support, but also with the unanimous support of his colleagues in the Administration, he had brought it forward as a Government measure. As such it was proposed last year—as such it had been known for the last four or five months, and as nothing else. He trusted, that he had now removed all the doubts of his noble and learned friend as to the Bill being a Government measure, and having removed them, he trusted, that as neither his noble and learned friend nor any of the noble Lords by whom he was surrounded could be influenced by any party feelings against the Government, he should have their support. He was certain of having his noble and learned friend's support to this, which was, strictly speaking, a Government measure.

The Duke of *Cumberland* said, that the noble and learned Lord said, that this Bill was argued as if it were a party question; and though he did not mean to deny that he was an opponent of the present Government, he should be ashamed of himself, and he felt that he should be degrading his character, if he could allow party spirit to direct his vote on a measure of great general and national importance. He protested against this measure being discussed as a party measure.

Lord *Lyndhurst* assured the House that if his noble and learned friend could only satisfy him that this was a proper measure, it should have his support without any regard to the quarter from whence it emanated; but it certainly would not have his support otherwise. He assured their Lordships, that neither he nor any of his friends had treated this Bill as a party measure. It was true that at a meeting held previously to the second reading of it, they had determined not to divide against the principle of it, and to that determination they had come upon this principle, that the Bill was recommended to the House by a Commission acting under the authority of his Majesty. If he and others had considered it as a party measure, he could assure their Lordships, that the result of a division would not have been such as would have given his Majesty's Ministers any satisfaction, and of that no persons were more aware than his Majesty's Ministers themselves.

The *Lord Chancellor.*—These things escaping from the lips of noble Lords tend, I suppose, to sustain the high character of this House in the estimation of the country. I have never yet been accused of showing any want of respect to this House—I have never yet been accused of attempting to lower its dignity. I have heard of such charges being made against his Majesty's Ministers, but nothing can have so great a tendency to produce that effect as words such as those which have fallen from my noble and learned friend within the last few minutes. Whether they will produce that effect I cannot tell; but certainly they must have that tendency.

Lord *Lyndhurst:* I have been strangely misunderstood, if anything I have said deserves the reproof which I have just received from my noble and learned friend. Are such things as party feelings unknown to this House? I ask whether the noble Lords who come here nightly, and range themselves on the opposite benches, do not act upon party motives?

Lord *Holland:* I speak to order; and in so doing I am compelled myself to commit a breach of order; for I must request your Lordships to let me address you sitting, as my infirmities prevent me from addressing you standing. Speaking, then, to the point of order, I must say, that a more disorderly, a more irregular, and a more unparliamentary conversation than that which has taken place during the last ten minutes, I have never heard since I had the honour of a seat in this House. I have heard of party and of party motives in this House, where, if we act as honest men by our country, we are bound to consider the public interests only. It is irregular to allude to any motives, and certainly most irregular to allude to party motives in this place. The noble and learned Lord says, that he never considered this as a party measure. He tells us, that for certain reasons he and his friends determined not to divide against the second reading of the Bill; he adds, that if they had divided against it, and had acted together as a party, he knows what the result would have been in that case. Now, it is most irregular to describe a measure, brought in avowedly upon public grounds, as a party measure; and to say, how the House would have dealt with it had they considered it to be a party measure or not a party measure, is to use language which I am sure would not have been listened to fifteen years ago in this place. A more certain mode of disparaging the character of this House in the estimation of the public cannot be found than by our describing the Bills introduced for the public benefit as party measures. The speech of the noble Lord, which I rose—I beg pardon—which I speak to interrupt, appealed to the existence of party motives in this House. Is that parliamentary language, or is it not? Is it even consistent with the question which we are now pretending to discuss? The question before the House at present is, whether the registrars shall be removable from their office by address from the two Houses of Parliament, or whether an Act of Parliament shall be passed to enable the Judges who preside in the Courts of which they are ministerial officers to remove them, whenever they become incompetent to discharge the duties of them from age or other infirmity—for as yet we have had no answer to that point.

Lord *Lyndhurst* agreed with the noble Baron who had just sat down, that the sooner an end was put to this irregular conversation the better it would be for all parties. He would only remind their Lordships, in his own justification, how this discussion had originated. His noble and learned friend had charged him with opposing this Bill as the political opponent of the Law Reforms of the Government. His noble and learned friend said, that he opposed the Bill on party principles; that he denied, and in his denial he had defended himself to the best of his ability. He appealed to the speech which he had made against the committal of the Bill to prove, that he was not influenced, and he had then said, that he was not influenced, in his opposition to it by party principles, but by general considerations of state policy and expediency.

Lord *Wynford* would only say, that from what had just passed in the House it must be quite clear that party had nothing whatever to do with its discussions.

The Amendment agreed to, and clause agreed to.

On the 12th Clause, which defines who are to be the practitioners in the Courts of Judges in ordinary, being read,

Lord *Lyndhurst* asked whether in these Courts barristers were to be opposed by attornies? If so, it would lead to great confusion, as he had seen in his own experience at the Quarter Sessions. His Lordship, who had never practised in the minor Courts of the country, might not be aware of this circumstance. He therefore requested him to consider this point, and perhaps upon consideration he would see the propriety of striking out that part of the clause which gave to attornies the power of practising as advocates in these Courts.

The *Lord Chancellor* said, that perhaps the clause was liable to this objection; but he had no doubt that wherever barristers were opposed to attornies, barristers would soon obtain the command of the Court.

Lord *Lyndhurst* said, he knew a Court in which the barristers refused to wear their gowns and wigs, so long as attornies were allowed to plead there. The Magistrates excluded the attornies, and the consequence was, that at the next sitting all the barristers appeared in their gowns and wigs. He also objected to the power given to the Judges of fining attornies to any amount for improper conduct, without the intervention of a Jury.

The *Lord Chancellor* admitted, that the power given to the Judges was very large, but it was deemed necessary, in order to repress improper practices on the part of a certain class of practitioners who might resort to these new Courts, as well as to prevent parties, from a spirit of hostility to the present measure, throwing obstacles and impediments in the way of its execution. He had had himself an opportunity of knowing the virulence and violence with which the first Bill on this subject had been attacked by certain individuals, who had gone the length of sending circular letters to attornies in all parts of the country, with the object of depriving him of business at the bar, his only crime being that he was the author of a measure which, among other regulations, empowered the Judge in ordinary to suspend an attorney, guilty of improper conduct, from practising. He had, however, gone on unmoved by these attacks, and the alteration which appeared in the present Bill had been made, not from any yielding on the subject, but because it was thought that a more effectual control would be exercised over these parties by giving the Judge the power of fining, instead of suspending.

Clause agreed to.

Clauses to the 28th, inclusive, were

agreed to, with the exception of the 15th, 18th, and 25th postponed.

The House resumed, the Committee to sit again.

HOUSE OF COMMONS,

Monday, June 24, 1833.

MINUTES.] Papers ordered. On the Motion of Sir WILLIAM CHAYTOR, the Number of London Bankers who have become Bankrupts, from January 1824, to the present time.—On the Motion of Sir HARRY VERNEY, an Account of all Places in England and Wales where Assizes or Quarter Sessions are held, particularly of those at which the County Gaol or House of Correction is situated.—On the Motion of Mr. O'CONNELL, an Account of the Number of Stamps issued to each Newspaper in Ireland, from the 5th of January, 1832, to 5th of April, 1833.—On the Motion of Mr. J. H. TALBOT, an Account of the Property left by Messrs. Dormer and Comerford, the Founders of Trinity Hospital, New Ross.—On the Motion of Mr. PEASE, an Account of the Quantities of Large and Small Coals Exported last year.

Bills. Read a third time:—Parochial Rates Exemption; Corporation Officers.

Petitions presented. By Mr. O'CONNELL, from the Licensed Victuallers of Dublin, against the Spirits, Wine, and Beer (Ireland) Bill.—By Lord EBRINGTON, from the Landed Proprietors of Devonshire, against the Tithes Commutation Bill.—By Mr. PARKER, from the Medical Practitioners of Sheffield, against the Apothecaries Bill.—By Mr. BRIGSTOCK, from Bath and Warminster, for Amending the Weights and Measures Act.—By Lord GEORGE BENTINCK, from the Guardians of the Poor of King's Lynn, Norfolk, in favour of the Sea Apprenticeship Bill.—By Mr. THOMAS ATTWOOD, from Birmingham, for an Inquiry into the Conduct of the Police at the Coldbath-fields Meeting; from the same Place, for the Repeal of the Corn Laws, and again for the Repeal of the Malt Tax, and the House and Window Duty.—By Mr. GILLON, from Hamilton, against the proposed Alteration of the Boundaries of that Place.—By Mr. WATSON, from Canterbury, for making Extra-Parochial Places Contribute to the Support of the Poor.—By Mr. HOPE JOHNSTONE, from Lanquhar, for the Abolition of Slavery.

LICENSING MAGISTRATES.] Colonel *Evans* presented a petition from a licensed victualler, named William Spicer, relative to the conduct of the Magistracy in granting victuallers' licences. The petitioner stated that he kept a public-house in Tower-street, Seven Dials, and that having taken an active part on the behalf of one of the candidates for the coronership of Middlesex, he thereby incurred the displeasure of a Magistrate of the county, and was in consequence threatened with retaliation; that very shortly afterwards Mr. Flower, the Magistrate alluded to, obtained a licence for a public-house within sixteen yards of the petitioner's house, while there were already near fifty licensed public-houses within a radius of 100 yards from the house of the petitioner. He also stated, that the house alluded to was next to a chapel, and that it was very much against the wishes of the inhabitants to grant any additional licences, as there were already a great many more public-houses in the neighbourhood than there was any occasion for, and that the parishioners accordingly petitioned the Magistrates against the granting of the licence, but no regard was paid to the petition. The hon. Member then read the certificate of a magistrate, named Becket, whose name had been attached to the licence, declaring that his signature had not been fairly obtained.

Mr. *Lamb* did not think the House could interfere, except by an alteration of the present law. If malversation or corruption were brought home to any Magistrate, he was punishable at common law; and Magistrates had not unfrequently been brought before the Court of King's Bench and punished, though he was bound to admit the chances under the existing law were very unfavourable to the complaining party. He believed the petitioner had been hardly dealt with, and attributed it to the great powers intrusted to Magistrates by the Act, but he nevertheless did not see any remedy but by an amendment of the present laws.

Sir *Francis Burdett* thought the petitioner's case one of great oppression. He had long been of opinion, that the law required alteration, and that opinion was very much strengthened by the singular case before the House, which went to show that it was in the power of a Magistrate to grant a licence improperly, as well as to refuse one. The law had been long and loudly complained of, and he did not see a fitter opportunity for inqiury than in the present instance. A much higher value was set upon property of this description, and more money given for it, on the good faith and understanding that no new licences would be granted in the immediate neighbourhood, unless a positive necessity was shown for granting them. In this case none had been shown, and he was bound to say there was every appearance of the exertion of undue influence. Under these circumstances, he earnestly recommended the gallant Colonel to carry the matter further, and suggested a Committee of inquiry.

The Petition laid on the Table.

CORN LAWS—CURRENCY—AND ASSESSED TAXES.] Mr. *Thomas Attwood* presented a petition from 150,000 persons, assembled at a public meeting of the inhabitants of Birmingham, at New Hall

Hill, against the Assessed-taxes, the Corn-laws, and all other taxes on industry. The meeting from which this petition emanated was one of the best conducted he had ever attended. When he had last the honour of presenting a petition on the subject of the Corn-laws, he was told by an hon. Member opposite, that he, the Representative of a manufacturing constituency, should attend to their interests peculiarly. But that was a principle he never could, never would, admit. For when he learned that the labourers in several parts of England had no more than 4*s.* 6*d.* a-week, and when he knew that several parishes were obliged to mortgage their rates to support their poor, so wretched and so numerous were they, he could never conceive any censure deserved for honest interference to alleviate the distresses of the agricultural labourer. The fact was, that while the Corn-laws existed, the curse of the country, the monetary laws would also exist. He would prove, that in consequence of both, the condition of the people of England were deteriorated fifty per cent. The fact was, that the population had increased thirty per cent, while the land had been deteriorated twenty per cent, and thus the people had been reduced to the condition of subsisting upon one half of their former food. Ministry succeeded Ministry, and still no relief followed, and the people were left to perish gradually. But they put forward, and adopted in Lord Liverpool's Administration free trade; this they boasted was as great a discovery as the Elixir Vitæ. But he would undertake to prove, that the free trade they granted had only the effect of reducing the rate of labour, and impoverishing the people, who had still to pay the same amount of taxes. Until there was a free trade in corn, in taxes, and in money, it was useless to talk of its advantage. The hon. Member then proceeded to urge the necessity of a change in the monetary system of the country, and related the following anecdote in illustration of the necessity of what he called a free trade in money: "Some time since a nobleman applied to a tenant for his rent. The tenant pleaded his inability to pay on account of the miller owing him for a quantity of flour. The landlord sent for the miller, who pleaded his inability to pay the farmer on account of the nobleman owing him a sum almost equal to it. The consequence was, that the nobleman sat down and wrote a cheque, which he gave the miller, the miller gave it to the farmer, and the farmer returned it to his landlord; and thus three men, who were at daggers drawn, and about to go to law, for want of a mere organ of exchange, by the creation of that organ on a piece of paper settled their differences, paid their debts, and they parted quite satisfied with each other." Instead of studying the prosperity of the people, the study of political economists had been for the last twenty years to break down the principle of exchange. He would illustrate it in a familiar way. The first question he would ask was, what was the first necessary of life? and the answer would be, bread. The second? money. What was ruin? he would then ask, and he would be told it was the incompetence of an honest man to pay his debts, and that brought him again to the first principle on which he set out—exchange. He could not but complain of the conduct of the present Ministry and the reformed Parliament. They had coerced Ireland; and they had suffered England to go unrelieved. The Whig Ministry, which had been out of power for seventy years, would, if they had done justice to Ireland and England, have continued in 100; and instead of fearing that other place, a collision with which they so much dreaded, it would be rather a football than anything else for them, if that other place did not content itself with the sentiments of the country and make the people's happiness its own. He had another small petition to present from the same meeting of 150,000 people, against the house and window taxes exclusively. The petitioners complained, and he agreed with them, that they and the country were unable any longer to bear the present pressure of taxation. The country was groaning under them; the people cried from one end to the other that they would not pay any more; the Ministry seemed determined to compel them to pay, to get blood from a stone: but he would bid them beware. Though the poor people of England were devoted to the aristocracy, still there was such a thing as spurring a willing horse to death, and treading on the worm till it turned on its oppressor. In opposition to evidence of the prosperity of the manufacturing part of England, given before the manufacturing Committee, he must say, that he believed that for the last seven years there had been, and was, no prosperity in the country. What was it which caused them to cry out for reform, if prosperity existed? Was it prosperity which made almost every man among them politicians, and politicians determined on having redress? Was it prosperity which caused, within the last few years, thousands of broken hearts to emigrate from England—this happy country—merry England, as it was called in old times? No, it was the criminal conduct of an ignorant and ungrateful Government, who would rather sacrifice one-half of the people than give up any preconceived dogma or sacrifice a single atom of a favourite theory. He would ask, was it happiness and prosperity which caused an increase of crime to a fourfold amount within the last few years; and urged the agricultural population to those burnings, which were at once the disgrace and the proof of the poverty of the country? No; it was vain to talk thus. Prosperity was no longer among the people of England, and would not be while the present system was kept up. He had also a petition to present from George Solly, praying for an issue of one pound notes payable in silver, and expressed his entire concurrence in the prayer. In no country in the world had a restriction been laid on money, and no such restriction had been laid on money or its representative in this country till the year 1775, when Sir George Saville, then a Member of the House, rose in his place and exhibiting a sixpenny note, asked if it were wise to allow such things to circulate. At that time notes of every description were allowed to be made and issued by anybody who chose to do so. The late Sir Robert Peel, one of the most upright, useful, and valuable members of society, he had ever known, was one of those who issued notes to a very large extent; and in fact, the Government was never insane or wicked enough to interfere with them. A great outcry had been raised against the issue of paper money; but no reason had been given against it. He, however, could give some in its favour; for there was Russia, the most barbarous power in Europe, able to ride down England, enslave Poland, to paralyze France, and annihilate Turkey, and put the world in fear; and all this was in consequence of her paper money. In Russia too there were no complaints of poverty among the people; and, although he would admit their paper issue had sunk in value three-fourths, what harm had it done the country? The people were comfortable, and the government was all powerful. But Gentlemen said, that England had gold; that the standard of value protected them—why, the Bank of England had the power of raising the standard when they liked, under the present system—of sinking thereby the price of estates, and thus of purchasing them almost for a song; and even of making the sovereign of three times the present value. In fact, of ruining the entire country if it chose. But, fortunately, it did not choose to play such pranks. He would conclude by presenting a short petition from the council of the Birmingham Political Union against the conduct of the new police at the late Coldbath-fields' meeting. In the prayer of the petitioners, and the opinions they expressed of the conduct of the authorities on that occasion in the subsequent proceedings in the Court of King's Bench he most cordially concurred. They deprecated them, and so did he, as much as man could. He did not mean to say, that the meeting was a legal or an illegal one: but he would not hesitate to say that it was a most wanton and disgraceful attack on the liberties of the people of England which he, on his conscience, believed they were as much opposed to, and as willing to ride down, as any Tories in existence ever were. He would warn them not to touch too much on public privilege, for there were limits, after passing which, resistance was lawful in every sense. But that was not even the worst—that grand magnificent institution, Trial by Jury, had been set at nought by the Government; and the solemn oath of seventeen men, each as honourable and as conscientious as any one of his Majesty's Ministers, was utterly disregarded by them. The Ministers had shown the cloven foot fully in that last finishing touch to the transactions; they had commenced with the Irish Coercion Bill, and gone with the Coldbath-fields' business. Where would they end? He thought the system of police as at present established, wrong. If it were paid by the parishes, and the power over it taken from the hands of the Ministry, he should be satisfied; but otherwise, he would always oppose the cursed, rascally system. They were going too, to spread it all over the country—to introduce it to Manchester and Bristol, and Birmingham: but he could tell them the people of Birmingham would never have it, and he hoped the country, generally, would act in the same manner.

Petitions to lie on the Table.

Church Temporalities (Ireland).] On the Motion of Mr. Secretary Stanley, the House resolved itself into a Committee on the Temporalities of the Church (Ireland) Bill.

Mr. Secretary Stanley moved to strike out of clause 54, a proviso, which was rendered unnecessary in consequence of the omission of clause 147 from the Bill.

Mr. *Hume* said, that he understood the right hon. Gentleman to intimate that this was necessary in consequence of clause 147 having been struck out of the Bill, which clause, in his (Mr. Hume's) opinion, was the only one worth attending to, either by that House or by the country. As well as he understood the explanation of the right hon. Gentleman, the object of his Amendment was this—that whereas as the law stood at present, it was not in the power of any person to sell Church land in perpetuity, this Bill went to give that power to certain Commissioners, and the Amendment provided that the proceeds of the sale thus made by those Commissioners should be solely appropriated to the maintenance of the present Church Establishment of Ireland. He wished to know whether he was correct in his interpretation of the Amendment, as he had not heard distinctly a single word that had fallen from the right hon. Gentleman on the subject?

Mr. Secretary *Stanley* said, that by the 147th clause the purchase monies, arising out of the sale in perpetuity of Bishop's lands was to be left as a separate fund in the hands of the Commissioners, to be treated differently and appropriated to different purposes from Church property gerally. Now, it was thought that the distinction which the Government had thus, in the first instance, proposed to make between that property and other Church property was not a well-founded one, and it was, therefore, deemed right and necessary, without affirming or denying the power of Parliament to deal with Church property as it might think fit, that such a distinction should not by this Bill be created between any portions of that property. Now clause 147 having been omitted, if clause 54 should stand as it was, the surplus funds which would arise in the hands of the Commissioners from the sale of Bishops' lands would be excepted from the operation of the Bill. It was, therefore, proposed by the present Amendment to strike out that exception, and that those surplus funds should, like the other Church property specified in that clause, be appropriated in substitution for the vestry cess, and for other purposes strictly ecclesiastical. The Bill, thus amended, would leave precisely where it was the power of Parliament to dispose of Church property to purposes other than ecclesiastical, and it would, as it was desirable that it should, leave undetermined and untouched the question, whether it was right or whether it was not right that such property should be appropriated to the purposes of the State.

Mr. *Hume* said, that if he understood the right hon. Gentleman correctly, this Bill should be described as a Bill for adding 3,000,000*l.* in value to the already enormous income of the overpaid and sinecure Established Church of Ireland. That was the position, the unenviable position, in which that, the first Reformed House of Commons, was placed. He would appeal not only to the House, but to the country, whether, after all the complaints that had been justly made, after all the exposures that had been witnessed as to the enormous and overgrown wealth of the Established Church in Ireland, it was not too much that a Reformed House of Commons should be called upon by his Majesty's Ministers, not to reform that Church—not to curtail and lessen its expenditure—but actually to add to its wealth, by increasing the value of its property? It was too much that they should be now called upon to give up this surplus to the Church, seeing that it had been explained by the noble Lord (the Chancellor of the Exchequer) in the first instance, and also by the right hon. Gentleman himself, that the appropriation of this surplus to other than ecclesiastical purposes would not be depriving the Church of any property, as the lands out of the purchase of which in perpetuity it would arise would be purchased at present only for the lives of the incumbents. The fact was, that this Act gave a new value to that description of property, by allowing it to be sold in perpetuity, and the surplus arising from that sale obviously became public property, as it was in the first instance explained to be by the right hon. Gentleman, and by the noble Lord, the Chancellor of the Exchequer. This he would say, that it was nothing less than an attempt at a gross delusion upon the country, thus to bring in a Bill ostensibly for the reform of the already overgrown and sinecure Church establishments of Ireland; and by a subsequent alteration in the Bill, instead of reducing the income of that far too rich Church, actually to place at its disposal in perpetuity land that at present could only be purchased for the lives of the incumbents. He would submit, that much as that House might be disposed to yield to the wishes or demands of his Majesty's Ministers, it should not proceed to sanction such a proposition as that—a proposition that went to transfer the fee-simple of all this property to the Church of Ireland, that at present only possessed a life interest in it. He could not bring himself to believe, that the noble Lord, the Chancellor of the Exchequer, would lend his sanction to such a monstrous proposition. It was so completely contrary to all the promises that noble Lord had made—it was so utterly inconsistent with all the pledges he had given—it was so diametrically contrary to the expectations of the country, that he (Mr. Hume) would put it to the Committee whether they were prepared to proceed to vote 3,000,000*l.* additional for the support of a sinecure Church in the absence of that noble Lord, and whether it would not be more advisable that they should wait to have the benefit of his presence, in order that they might know from himself whether he approved of such a proposition, and in order that he might explain to them, if approving of it, a change in his sentiments so diametrically opposed to them as stated by himself in the first instance, and also as explained by the right hon. Gentleman on a former occasion. He had always given the noble Lord the credit, and the country had given him the credit, of being a plain, well-meaning, direct and honest man. He, therefore, could not bring himself to believe, that the noble Lord could be a party to such a proceeding as the present one,—to such a violation of all his previous promises and pledges, on the faith of which the country depended, on the faith of which that House for three or four months depended, and on the faith of which hundreds of Members had given their votes for the passing of that odious act, the Irish Coercion Bill;—he could not, he repeated, bring himself to believe that such a thing was possible. He could not believe, that the noble Lord had relinquished that part of the Bill to which alone the country had looked with satisfaction, and on which that House had depended, until he heard the noble Lord declare to himself, and until he heard him state, that instead of reducing the revenues of this sinecure Church, he approved of a proposition for adding 3,000,000*l.* to them in value. He made that estimate upon the authority of the noble Lord himself. If it were not correct, why, he would ask, did the noble Lord make such a statement at the time? Why did he then estimate this surplus at 3,000,000*l.*? If the right hon. Gentleman then considered that statement to be incorrect, why did he not at once correct it, and why did he allow what, upon his own showing, was a delusion thus to be practised upon the country? The object of this clause, as it was proposed to be amended, was to transfer to the Church of Ireland the fee-simple of the whole of this property, and to keep up for ever the enormous revenues of an overgrown establishment, that was odious to the people of Ireland, and expensive to the people of England. The object of the clause was to keep up that establishment at an expense of 20,000 military in Ireland. He was ready to allow 8,000 or 9,000 military for that country under ordinary circumstances, but the additional 20,000 men were necessary there for the maintenance and preservation of a sinecure Church. Instead of reducing the amount of military in that country, as he would contend they should to the standard of 1792—namely, to 10,000 men—they would be obliged to maintain them at their present amount if they passed this clause in the proposed amended form, in order to secure the existence of a sinecure Church in that country. Feeling, therefore, that they should not proceed in the absence of the noble Lord, the Chancellor of the Exchequer, but that they should wait to have the benefit of his presence in discussing this part of the Bill, he would beg to move as an Amendment that the Chairman should report progress, and ask leave to sit again.

Major *Beauclerk* said, that the hon. member for Middlesex had forestalled him in what he was going to say. He did think that, at this time of day, when all Europe reproached them with, and laughed at them for, their overgrown and enormous Church Establishments, it was too much to call on them to vote 3,000,000*l.* additional in value to the income of the Church Establishment. He would recommend the right hon. Secretary to withdraw the clause altogether. He would give his cordial support to the Motion of the hon. member for Middlesex.

Sir *Henry Willoughby* denied the possibility of creating a new value in property, by Act of Parliament, so as to make it applicable to public purposes. But in the first place, the hon. member for Middlesex was mistaken in supposing that this Bill would give to the Church of Ireland something that it had not before. He would assert positively that the fee-simple, as well as the interest in those lands, was in the Church of Ireland, and in the Church of Ireland alone. He repeated, that it was an error to suppose it possible that Acts of Parliament could impart new value to property, so as to render it available for public purposes: such a doctrine would strike at the root of all property in the kingdom. If, by an Act of Parliament, a new road or a new canal was made through his property, so as to give an additional value to it, was it to be contended that that additional value should go to the public?

Lord *Duncannon* was sure that no man who was acquainted with Ireland could be ignorant of the enormities arising from the Vestry Cess in that country, and therefore could not but think that the clause which went to take away that impost was a great benefit upon the people of Ireland. He begged to observe, that he had voted the other night for leaving out the 147th clause, not with a view of taking from the Parliament the appropriation of Church property; if the omission would have had that effect, he most certainly should not have so voted, but he considered that by the course he had followed he had merely done that which would cause the appropriation of the Church funds to the payment of the Church Cess; the House having, on a former occasion, thought right to alter the clause which imposed a tax upon original incumbents, that tax being intended originally to pay the Church Cess. He felt satisfied that the surplus, whether it might amount to 1,000,000*l.* or 3,000,000*l.*, as had been suggested by the hon. member for Middlesex, would eventually be at the disposal of the Parliament, or, in other words, could not be appropriated by the Commissioners without the approbation of the Legislature.

Mr. *Hume* said, that it appeared to him that the terms of the clause involved another deviation from the principles which had been stated when the Bill was first introduced. The noble Lord, the member for Nottingham, in stating the reasons which had induced him to concur in the vote of the last night, had seemed entirely to forget the grounds upon which the noble Lord, the Chancellor of the Exchequer, had introduced the Bill. It had then been stated by the noble Lord that the relief intended to be afforded to the people was to be effected from and defrayed by a tax upon the present incumbents and Bishops, and upon the bishoprics and livings falling in. He could not see how the present Amendment could be carried while the 49th clause was retained in the Bill, for the House would remember, that by it every sum due and payable to the Commissioners of First Fruits and arrears, or any sums advanced by them for repairing, rebuilding, or improving glebe and other houses, should be transferred and made payable to the Commissioners named under this Act. It would only be fair to let the House and the country know what was the amount of this, and it was a proceeding much to be deprecated that by an Amendment like the present, of four or five lives, a vote of 400,000*l.* or thereabouts should be taken without notice.

Mr. *Secretary Stanley* could not think that the hon. member for Middesex really understood that to which he objected. He (Mr. Stanley) imagined that the hon. Member, with all his calculations, could not attach much importance to the point, whether the public should pay now that which eventually they must be bound to pay by instalments; and whether this obligation was fulfilled by the 147th clause, or by the 54th clause, he (Mr. Stanley) apprehended no great difference was made. The object of the Amendment proposed to be added to the 54th clause was merely to transfer to it from the 147th clause a provision for the payment from other sources of a sum of between 300,000*l.* and 400,000*l.*, which if the Amendment was now thrown out, must remain for twenty years, and to meet it the Vestry Cess must be continued.

Sir *Robert Inglis* contended, that Church property was as sacred as any other species of property whatever. The noble Lord, the member for Nottingham, had talked of the enormities of Church Cess, and he could not but think that the speech of the noble Lord was much more fit for a former member for Kilkenny than became the representative for the county of Nottingham. But with reference to the alleged enormities of Church Cess, he would refer to the returns made to Parliament, which showed that in no case had it amounted to more than eighteen-pence an acre, and in numerous instances to not more than two-pence halfpenny. He, therefore, was of opinion that the observations which had been thrown out on the subject of Church Cess being a grievance were a delusion of the public. It could not be shown, that it was such a grievance as to call upon the Parliament to interfere. Again, it could not be shown that any surplus would arise, and the most morbid lover of crime and spoliation would not encourage a principle of taking property when there was nothing real to grasp at. In his view, money was a secondary object in this question. His great objection was the interference which was made with the spiritual functions of the Church, and without, for one moment, conceding to the House its right to interfere with the property of the Church, and feeling also that the property sought to be affected did not exist, he must, on the contrary, protest against any such interference by an assembly of laymen instead of a clerical convocation. So long as such an interference was made with the spiritual functions of his Church, he should oppose the Bill.

Mr. *O'Connell* admitted to the fullest extent that the House had no right to interfere with the spiritual functions and jurisdiction of the Church. He could not assent to any such interference with the Church to which he (Mr. O'Connell) belonged; and, on the same principle he would object to such an interference with the spiritual functions of the Church to which the hon. Baronet was attached; but still he thought that the House had a complete jurisdiction over the pounds, shillings and pence—the tithes and oblations of the Church—and he only regretted that jurisdiction had not been more expressly and distinctly laid down and enforced in the present instance. The emphatic value and importance of the present Bill had been left out by the omission of the clause with reference to the Vestry-cess, the evils of which were but now too well known, and from which the hitherto prevailing wrangles would, under this clause, be but increased. He had frequently admitted those evils, and had said, and would now repeat, that in the shape the Bill at present stood in, it would not effect any beneficial change. He could not but revert to the expressions of spoliation and plunder which had been applied by the hon. Baronet below him (Sir Robert Inglis) and he would inquire of the hon. Baronet if he had read or examined the returns which had been moved for by the right hon. Gentleman the member for Cambridge, because he would have found the number of benefices under the Established Church in which divine service had not been performed for three years ending February 1833—he would have found that in the diocese of Waterford, out of sixty-five benefices, in eighteen (more than one-fourth), no service had been performed for the last three years. Let the hon. Baronet talk of spoliation after this for in all these tithes were collected. After this, talk of morbid appetites for robbery and spoliation! But he must think that was a most rapacious appetite which would call for tithes and oblations for doing nothing. Again, he would remind the House and the hon. Baronet that in several of the parishes the clergy had sued for the May tithes, and after all this, he thought that there could not be much regret that the Vestry-cess should be taken from them. He would mention an instance to show how this was applied. In a parish in Wexford, 10*l*. a-year had been allowed to the clerk for ringing the bell, and when the bell was broken the salary was increased to 15*l*. a-year, there being then no bell to ring. He could show this from Parliamentary Returns. Again, in many benefices there were neither baptisms nor visitations of the sick performed, because it was not required by the population; and, with respect to one benefice (Kilsheda), he could appeal to the noble Lord opposite (Lord Duncannon), whether any of those services or any other of the Established Church had, for the period he had mentioned, been performed; for, though worth 1,000*l*. per annum, there was nothing in the shape of a Church, except the remnants of one. Would the hon.

Baronet now talk of the morbid appetite for spoliation? In the dioceses of Limerick, Aghadoe, and another, there were 106 benefices, in the majority of which, he would venture to say, no service had been performed for three—nay, for fifty three years. Indeed, in the diocess of Limerick there were twenty-seven benefices in which no service had been performed for three years, as shown by the returns. Was it, then, in the support of such a system that one clergyman in Ireland (the reverend Mr. Hickson) should have troops quartered with him to assist in the collection of tithes? Would, after this, the hon. Baronet speak of spoliation? He should therefore move the amendment of which he had given notice, to the effect of depriving vestries of the power of imposing any rate or cess for organists, bell-ringers, and other subordinate parish officers. The hon. Member however at the suggestion of Mr. Stanley postponed his amendment to a future stage of the Bill.

Dr. *Lushington* had listened to the returns which had been alluded to by the hon. and learned member for Dublin, and was surprised that after quoting those documents the hon. and learned Gentleman should differ from the provisions of the Bill. It was evident that a grievance was to be remedied, which grievance, according to the hon. and learned Gentleman's own showing, must remain, unless the Amendment now proposed should be adopted. The only object of the amendment was to engraft on clause 54 certain portions of clause 147, and it was a mistake to suppose that by it any additional funds were to be appropriated to Church purposes. Any resulting surplus would remain unimpaired for future appropriation. The Amendment was merely following up the principle of the Bill.

Mr. Hume's Amendment was withdrawn.

On the question being again put,

Mr. *Shaw* said, that though he admitted the want of Churches in Ireland was most deplorable, yet he must insist that within the last seven years the number of benefices in which no service was performed had decreased. If the returns had been made in 1800 instead of a more recent date, it would have been found that six-sevenths of the whole were in the state complained of. He would also venture to say, that there was no clergyman who had proceeded for his May tithes, and was prepared to show that the conduct of that body generally had been most mild and forbearing.

Mr. *O'Connell* would entreat the hon. and learned Member to inquire whether the reverend Dr. Ryan, of Leixlip, had not collected his tithes up to the 28th of May. He would also refer the hon. and learned Member to Fermoy, where he would find two different modes of proceeding had been adopted for the purpose of increasing the costs. He (Mr. O'Connell) could also show an instance of a Church having been rebuilt three times within twenty years, and yet it could not be stated, that there was an increase of Protestants in Ireland.

Mr. *Ronayne* could not avoid stating to the House the course which had been pursued with regard to tithes by another clergyman, the reverend Mr. Devereux of Stradbally. That individual had sued a widow of the name of Macarthy, through his agent, for 17*s.* 6*d.*, for tithes up to 1832, which she was compelled to pay, with 2*l.* 10*s.* costs of a *latitat;* and the receipt given was on a mutilated stamp, stating that she had paid her tithes and the costs up to a certain time, but without specifying the amount. The receipt was signed "J. Claridge," and the circumstance was verified by the affidavit of the widow, which he held in his hand. After such a proceeding, what could be said of the humanity of the Church? He had other affidavits detailing similar events and transactions. He could not but add, that he trembled for the consequences that might arise from announcing to the people of Ireland that the Legislature had no power to remove those grievances in the Church of which they had so long complained.

Sir *Samuel Whalley* contended that the purposes of the Bill were entirely altered by striking out the 147th clause. No surplus could arise from the sale of perpetuities which was not already disposed of by this Bill in other clauses besides the 54th clause, for there were two other clauses which empowered the Commissioners to make grants for building parsons' houses, and, secondly, for the augmentation of small livings. The tax upon future incumbents would be slow in accumulating, and therefore, with such an appropriation of the other funds, there was no chance of a surplus for the purposes anticipated.

Mr. *Hardy* was of opinion that any surplus would be at the disposal of the Commissioners, with the authority and approbation of Parliament; but the question which the hon. member for Middlesex seemed most anxious to impress upon the House was, whether that surplus should be applied to secular or ecclesiastical purposes. The hon. Member had said, that the proposition would give 3,000,000*l.* additional to a sinecure Church. If the surplus were to be applied to secular purposes, it was incumbent on the hon. Member, and those who thought with him, to bring a specific Motion forward. He must take that opportunity of saying, that he was not bribed to support the Coercive Bill by any chance of getting 3,000,000*l.* He disclaimed having given his support to the Coercion Bill on the understanding that Ministers were pledged to carry this or any other remedial measure. He had supported it solely with the view of suppressing disturbances in Ireland. The tranquil state of Ireland at the present moment proved that the Coercion Bill had answered its purpose.

Mr. *O'Connell* said, that the hon. Member who spoke last was offering something like a gratuitous insult to Ireland when he boasted of having invested the Lord-lieutenant with the power of stifling the expression of public opinion in that country. As to the Coercion Bill having tranquillized Ireland, the Irish Members had always contended, that if Government had exerted its power before that measure was passed, agrarian disturbances could easily have been suppressed.

Mr. *Finn* charged the Whig Government—he charged the right hon. Gentleman the Secretary for the Colonies—with having provoked and produced the excesses, to repress which he had called for the Coercive Bill. When that right hon. Gentleman talked of the extinction of tithes, he (Mr. Finn) had done what he could to prevent the people being deluded. He had gone amongst them and told them that it would not be so; he had called on them not to suffer themselves to be deluded, and had told them that those words would never be carried into effect. In Kilkenny, the very county which had since been proclaimed, he had attended two anti-Tithe Meetings. He had then endeavoured to check the spirit of insurrection which had been roused and encouraged by the Whig Government. He was quite sure that, at the beginning of those disturbances, the Irish Gentleman might have put an end to them, but those disturbances were encouraged by the Whigs. But those Gentlemen were now known; they had stirred up almost Revolution to get their Reform Bill passed; but it was properly said, that this had given the people the Bill, the whole Bill, and nothing but the Bill. They would let them have nothing else. The delusion, however, was now seen through; and when those Gentlemen went to the hustings they would be told to go away.

Mr. *Slaney* rose to order. He did so with regret; but he appealed to the Chairman whether the hon. Gentleman was not departing altogether from the subject before the House.

Mr. *Finn:* The hon. Gentleman should have called the hon. member for Bradford to order who referred to the Coercion Bill, which was not now before the House. Was that hon. Gentleman to be allowed to attack the hon. members for Ireland, and must he not defend them? Was the hon. Member's escapade to be permitted, and was he not to follow him? He was stating that a delusion had been practised, and that it had been seen through. The Bill before them was another delusion, with the promise of 3,000,000*l.* with which it had been introduced. He meant that there was a division in the Cabinet on the subject. The noble Lord, the member for Nottingham, had declared, that Church property was public property, and might be appropriated by the State. But the right hon. Secretary and the noble Lord at the head of the legal profession had declared, that it all belonged to the Church. The right hon. Secretary, however, had found out a means of getting out of this dilemma. He had said: "Oh, there is a new value to be given to the property of the sale of the Bishops' land for perpetuity, and that new value we may take for it does not belong to the Church." As well might the guardian of a child say, that the new value given to the child's property by his management belonged to him and not to the child. A trustee might as well claim all the improvement in the funds placed in his charge. The right hon. Baronet, the member for Tam-

Baronet now talk of the morbid appetite for spoliation? In the dioceses of Limerick, Aghadoe, and another, there were 106 benefices, in the majority of which, he would venture to say, no service had been performed for three—nay, for fifty three years. Indeed, in the diocess of Limerick there were twenty-seven benefices in which no service had been performed for three years, as shown by the returns. Was it, then, in the support of such a system that one clergyman in Ireland (the reverend Mr. Hickson) should have troops quartered with him to assist in the collection of tithes? Would, after this, the hon. Baronet speak of spoliation? He should therefore move the amendment of which he had given notice, to the effect of depriving vestries of the power of imposing any rate or cess for organists, bell-ringers, and other subordinate parish officers. The hon. Member however at the suggestion of Mr. Stanley postponed his amendment to a future stage of the Bill.

Dr. *Lushington* had listened to the returns which had been alluded to by the hon. and learned member for Dublin, and was surprised that after quoting those documents the hon. and learned Gentleman should differ from the provisions of the Bill. It was evident that a grievance was to be remedied, which grievance, according to the hon. and learned Gentleman's own showing, must remain, unless the Amendment now proposed should be adopted. The only object of the amendment was to engraft on clause 54 certain portions of clause 147, and it was a mistake to suppose that by it any additional funds were to be appropriated to Church purposes. Any resulting surplus would remain unimpaired for future appropriation. The Amendment was merely following up the principle of the Bill.

Mr. Hume's Amendment was withdrawn.

On the question being again put,

Mr. *Shaw* said, that though he admitted the want of Churches in Ireland was most deplorable, yet he must insist that within the last seven years the number of benefices in which no service was performed had decreased. If the returns had been made in 1800 instead of a more recent date, it would have been found that six-sevenths of the whole were in the state complained of. He would also venture to say, that there was no clergyman who had proceeded for his May tithes, and was prepared to show that the conduct of that body generally had been most mild and forbearing.

Mr. *O'Connell* would entreat the hon. and learned Member to inquire whether the reverend Dr. Ryan, of Leixlip, had not collected his tithes up to the 28th of May. He would also refer the hon. and learned Member to Fermoy, where he would find two different modes of proceeding had been adopted for the purpose of increasing the costs. He (Mr. O'Connell) could also show an instance of a Church having been rebuilt three times within twenty years, and yet it could not be stated, that there was an increase of Protestants in Ireland.

Mr. *Ronayne* could not avoid stating to the House the course which had been pursued with regard to tithes by another clergyman, the reverend Mr. Devereux of Stradbally. That individual had sued a widow of the name of Macarthy, through his agent, for 17*s.* 6*d.*, for tithes up to 1832, which she was compelled to pay, with 2*l.* 10*s.* costs of a *latitat;* and the receipt given was on a mutilated stamp, stating that she had paid her tithes and the costs up to a certain time, but without specifying the amount. The receipt was signed "J. Claridge," and the circumstance was verified by the affidavit of the widow, which he held in his hand. After such a proceeding, what could be said of the humanity of the Church? He had other affidavits detailing similar events and transactions. He could not but add, that he trembled for the consequences that might arise from announcing to the people of Ireland that the Legislature had no power to remove those grievances in the Church of which they had so long complained.

Sir *Samuel Whalley* contended that the purposes of the Bill were entirely altered by striking out the 147th clause. No surplus could arise from the sale of perpetuities which was not already disposed of by this Bill in other clauses besides the 54th clause, for there were two other clauses which empowered the Commissioners to make grants for building parsons' houses, and, secondly, for the augmentation of small livings. The tax upon future incumbents would be slow in accumulating, and therefore, with such an appropriation of the other funds, there was no chance of a surplus for the purposes anticipated.

Mr. *Hardy* was of opinion that any surplus would be at the disposal of the Commissioners, with the authority and approbation of Parliament; but the question which the hon. member for Middlesex seemed most anxious to impress upon the House was, whether that surplus should be applied to secular or ecclesiastical purposes. The hon. Member had said, that the proposition would give 3,000,000*l.* additional to a sinecure Church. If the surplus were to be applied to secular purposes, it was incumbent on the hon. Member, and those who thought with him, to bring a specific Motion forward. He must take that opportunity of saying, that he was not bribed to support the Coercive Bill by any chance of getting 3,000,000*l.* He disclaimed having given his support to the Coercion Bill on the understanding that Ministers were pledged to carry this or any other remedial measure. He had supported it solely with the view of suppressing disturbances in Ireland. The tranquil state of Ireland at the present moment proved that the Coercion Bill had answered its purpose.

Mr. *O'Connell* said, that the hon. Member who spoke last was offering something like a gratuitous insult to Ireland when he boasted of having invested the Lord-lieutenant with the power of stifling the expression of public opinion in that country. As to the Coercion Bill having tranquillized Ireland, the Irish Members had always contended, that if Government had exerted its power before that measure was passed, agrarian disturbances could easily have been suppressed.

Mr. *Finn* charged the Whig Government—he charged the right hon. Gentleman the Secretary for the Colonies—with having provoked and produced the excesses, to repress which he had called for the Coercive Bill. When that right hon. Gentleman talked of the extinction of tithes, he (Mr. Finn) had done what he could to prevent the people being deluded. He had gone amongst them and told them that it would not be so; he had called on them not to suffer themselves to be deluded, and had told them that those words would never be carried into effect. In Kilkenny, the very county which had since been proclaimed, he had attended two anti-Tithe Meetings. He had then endeavoured to check the spirit of insurrection which had been roused and encouraged by the Whig Government. He was quite sure that, at the beginning of those disturbances, the Irish Gentleman might have put an end to them, but those disturbances were encouraged by the Whigs. But those Gentlemen were now known; they had stirred up almost Revolution to get their Reform Bill passed; but it was properly said, that this had given the people the Bill, the whole Bill, and nothing but the Bill. They would let them have nothing else. The delusion, however, was now seen through; and when those Gentlemen went to the hustings they would be told to go away.

Mr. *Slaney* rose to order. He did so with regret; but he appealed to the Chairman whether the hon. Gentleman was not departing altogether from the subject before the House.

Mr. *Finn:* The hon. Gentleman should have called the hon. member for Bradford to order who referred to the Coercion Bill, which was not now before the House. Was that hon. Gentleman to be allowed to attack the hon. members for Ireland, and must he not defend them? Was the hon. Member's escapade to be permitted, and was he not to follow him? He was stating that a delusion had been practised, and that it had been seen through. The Bill before them was another delusion, with the promise of 3,000,000*l.* with which it had been introduced. He meant that there was a division in the Cabinet on the subject. The noble Lord, the member for Nottingham, had declared, that Church property was public property, and might be appropriated by the State. But the right hon. Secretary and the noble Lord at the head of the legal profession had declared, that it all belonged to the Church. The right hon. Secretary, however, had found out a means of getting out of this dilemma. He had said: "Oh, there is a new value to be given to the property of the sale of the Bishops' land for perpetuity, and that new value we may take for it does not belong to the Church." As well might the guardian of a child say, that the new value given to the child's property by his management belonged to him and not to the child. A trustee might as well claim all the improvement in the funds placed in his charge. The right hon. Baronet, the member for Tamworth, had unanswerably proved the sophistry of that statement. Another of the Whig schemes was shown on Friday night. In the early part of the evening they could only muster 42 supporters—84 to 42—and they were defeated. But on the same evening these Whigs mustered 272 supporters, when they wished to get rid of the clause. This was another proof of the delusions they practised. The first division was a good pretext for getting rid of the 147th Clause. In fact, the Whigs were prompted by the Tories. The Tories were Viceroys over them. The Whigs only did the Tories' business. We were governed by Tories in the disguise of Whigs. They filled their places for the Tories. The people, however, were now aware of the delusion—they were glad that the Whigs, too, had turned against them, and they now knew their enemies.

Mr. *Shaw* said, in reference to what had fallen from the hon. member for Clonmel, that clergymen were compelled to resort to an expensive process to recover tithes, because in many instances the server of the cheap process refused to perform his duty. In no instance, however, did clergymen resort to legal proceedings until all other means had failed. It was said, that order was restored in Ireland; but he happened to know, that the reverend Mr. Austin, the holder of one of the largest livings in Ireland had lately thrown it up and quitted the country, because he was unable to obtain his tithes.

Mr. *Lynch* said, that if he understood the effect of the Amendment, it was, to add the perpetuity fund to the common fund, to be applied to the purposes to which that common fund was applicable. He objected to that appropriation for this reason—the perpetuity fund either was Church property, or it was not. If it was not, as the Government argued, it ought not to be applied to the ecclesiastical purposes mentioned in the 54th Clause, because, being created by the State, it was clearly the property of the State; if, on the other hand, it was Church property, the appropriation of it to ecclesiastical purposes was augmenting an establishment which was already mischievously large, and ought to be diminished.

Mr. *Hume* said, that the effect of this clause would be to set up and add to the stability of the Irish Church, in a ten-fold degree. He could not at first understand what the right hon. Secretary for the Colonies meant, by saying there would be no surplus. He now saw how it was, for the Commissioners, having the power which was by this clause given to them, would doubtless take care to apply every penny of the fund to the augmentation of every living in Ireland. It ought to be entitled a Bill to add to the permanence and increase the revenues of the Established Church in Ireland, and not to reform its abuses. He begged to ask the right hon. Gentleman opposite whether the words "as the said Commissioners are hereafter directed," applied to the 84th Clause, giving the Commissioners power to augment benefices?

Mr. Secretary *Stanley* said, that the 84th Clause was certainly referred to. The object was to throw the whole into one general fund, to apply that fund to the general objects of the Bill—such as the abolition of the Vestry-cess, &c., and then to that purpose of the Bill comprised in the 84th Clause—the augmentation of benefices up to the amount of 200*l.* per annum.

Mr. *Hume* said, he was glad he had drawn forth this explanation from the right hon. Gentleman. In England it was with the utmost difficulty that we could get small benefices of even 40*l.* or 50*l.* a-year augmented, and yet now they were going to give away that which had been admitted to be State property, for the purpose of increasing an already much overgrown establishment. He was surprised, that the hon. member for Bradford should deny that the Coercive Bill was introduced to that House and recommended by his Majesty's Ministers for their adoption solely on a pledge that remedial measures should be introduced. A similar pledge had been given last Session, when the Tithe Act was carried; and at the commencement of the present Session, he told the Chancellor of the Exchequer that the pledge of Government had not been fulfilled. The noble Lord admitted, that the Government had not been able to carry through these measures, but repeated his pledge that he would not propose coercive, unless he intended to bring in remedial, measures; and upon this pledge of the Chancellor of the Exchequer many hon. Members voted for the Coercive Bill who would not otherwise have given it their support. He had a right, then, to complain of the manner in which this pledge was kept. This measure was not remedial, for it tended to keep up and perpetuate that which was the greatest cause of discontent in Ireland, the Church Establishment—a Church which was in many cases a sinecure, in many others greatly overpaid, and which the great majority of the nation, being of a different persuasion, regarded as the badge of their conquest and disgrace. He wished to know what the right hon. Secretary for Ireland thought of the alteration?

Mr. Secretary *Stanley* admitted, that his noble friend when he brought forward the Coercive Bill did state, that he should have been exceedingly reluctant to bring forward such a measure, unless he also meant to bring forward measures for the removal of grievances. Two of the most prominent of those grievances were represented to be the collection of Tithes and of Vestry-cess. A Resolution had already been passed which would put a stop to the collection of tithes, at least, for the present; and he then held in his hand a Bill for the total abolition of Vestry-cess. And if the hon. and learned Gentleman (Mr. O'Connell) would propose any words to make that Bill more forcible, those words should be added. Was not this a performance of their pledge? His noble friend never intended to meet what appeared to be the expectation of the hon. member for Middlesex—namely, to destroy the Irish Church, for the preamble of this Bill was then lying on the Table, in which it was expressly stated, that the fund to be raised was to be applied to the building, &c., of churches, the augmentation of small livings, and to such other purposes as might conduce to the advancement of religion, and the efficacy, permanence, and stability of the United Churches of England and Ireland.

Mr. *Littleton* expressed his surprise, knowing as he did the opinions of the hon. member for Middlesex, that he should object to allowing a clergyman of the Established Church 200*l.* a-year. He, however, still said, that the property of the Church was subject to the control of Parliament whenever there was a surplus not required for the purposes of the Establishment; and though he gave his willing support to the alteration made last Friday yet he was thoroughly satisfied that whenever this fund should exceed those wants —and the House would every year have the means of investigating this point—the sum so increasing beyond the necessities of the Established Church ought to be placed at the disposal of Parliament. He was convinced the great majority of Members in that House were of opinion that the property of the Church was subject to the control of Parliament; but he had no doubt that the great majority were also of opinion that such property ought not lightly to be applied to other than religious purposes.

Mr. *Robinson* had voted in the—he would call it—memorable minority on Friday night, in order to record his disapprobation of the disingenuous and uncandid—to use the mildest terms—conduct of Ministers in withdrawing the most important clause of their own pledged Bill.

Clause agreed to.

On the 56th Clause, which had been postponed, being read,

Mr. *O'Connell* moved an Amendment to the effect of totally repealing the 7th of George 4th, which, he contended, perpetuated the worst machinery of the Irish Vestry system. Without this repeal the clause would be wholly inefficacious as a means of relieving the Catholics from the Vestry-cess.

Mr. Secretary *Stanley* said, that on the introduction of this Bill it was never contemplated to do away with the whole law regulating parochial assessments in Ireland. The object of the present Bill was, to regulate the temporalities of the Irish Church, and nothing else. To accede to the Motion of the hon. and learned Gentleman would be at once to put an end to the provision now existing for the poor for foundlings, and other useful purposes, such as fire-engines, to which nobody, whatever were his opinions, could be opposed. The principle of the present Bill went to relieve the Roman Catholics from all Church-cess for the support of the Protestant Church. He did not mean to defend the 7th George 4th, and his (Mr. Stanley's) first act on coming into office in Ireland was to bring in a bill to amend that Statute with respect to appeals. The present Bill would not remove all that was in that Act, but it only permitted such portions to remain as were applicable to really useful purposes. If a change were to be made, let it be done by a Substantive Act of Parliament, and not in this incidental manner.

Mr. *O'Connell* declared, that this Bill was merely a delusion. In the speeches of the right hon. Gentleman and his supporters on Friday, they asked triumphantly to cover their abandonment of the clause then debated, whether the removal of the Vestry-cess was nothing, while to-day all their boasted pledges were decided to be good for nothing. With respect to coffins for the poor, and deserted children, and fire engines, there was great imposition, and for 74*l.* charged, which appeared in one of the returns, he did not believe as many shillings were expended. He protested both against the 7th George 4th, and the present Bill as frauds upon the people. They were something like the surplus of 400,000*l.* promised, but which, upon the examination of the right hon. member for Tamworth that night, would appear to be no more than 274*l.*

Sir *Robert Peel* never heard a question mooted where there appeared so little real ground for difference of opinion. The object of the Bill was to do away with an exclusive Protestant Vestry altogether. That was done, and all that was retained was what might be effected for general purposes by Protestants and Catholics indiscriminately. The hon. and learned member for Dublin contended for the total repeal of the 7th George 4th; but the effect of this would be to repeal all the Statutes by which any provision existed for the poor in Ireland. At present some provision was allowed to be made for the poor, and from the nature of things the Roman Catholics must benefit by it. He would take from the return before him St. Mary's parish. There a sum of 248*l.* was voted by the vestry, to which Catholics were admitted. Of this one item was 40*l.* for coffins for the poor. Of that it could not be doubted Catholics had their share. The next item was 100*l.* for foundlings, and here also the same principle would apply. The system of thus providing for deserted children might be in itself unwise, but was this and all the other aids thus afforded to be at once done away with, and without any substitute?

Mr. *O'Connell* said, that Catholics, though legally admissible to these vestries, were in fact excluded. In Dublin they were held in vestry-rooms perhaps twelve feet by ten in extent, and the mass of the parishioners were kept out. As to the 40*l.* for coffins in St. Mary's parish, he would allege, that not 10*s.* of that sum were applied to the burial of Catholics. His objection was to the machinery of the 7th George 4th, which was highly obnoxious.

Dr. *Lushington* did not mean to advocate the Act complained of, but the effect of the Amendment would be, to put an end to all legal provision for the poor. Perhaps the hon. and learned Member's objection might be obviated by words in this clause declaring, that if any parish officer hereafter levied any Vestry-cess for mere Church purposes, any officer levying or suing for the same should be liable to pay four times their amount, and to double costs. The hon. and learned Member talked of the Common Law, but at Common Law there were many purposes most useful, and almost indispensably necessary, for which Vestries had no power to make a rate.

Mr. *R. Sheil* strongly reprobated the 7th George 4th, both as to appeals and costs, and asked whether, as Parliament had removed all other distinctions between Catholics and Protestants, they would permit this one to remain.

After a few words from Mr. O'Connell, in reply—The Committee divided on Mr. O'Connell's Amendment:—Ayes 48; Noes 189: Majority 141.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Baldwin, Dr.
Barron, H. W.
Barry, G. S.
Blake, J.
Butler, hon. P.
Chapman, M. L.
Clements, Viscount
Dashwood, G.
Evans, Colonel
Evans, G.
Faithful, G.
Finn, W.
Fitzgerald, T.
Fitzsimon, C.
Fitzsimon, N.
Hume, J.
Hutt, D.
Howard, R.
Jephson, C. D. O.
Lalor, P.
Lambert, H.
Locke, W.
Lynch, A. H.
Macnamara, Major
Martin, J.
Nagle, Sir R.
O'Brien, C.
O'Callaghan, hon. C.
O'Connell, M.
O'Connell, D.
O'Connell, J.
O'Connor, F.
O'Connor, Don
O'Ferrall, R. M.
Oswald, J.
Oswald, R. A.
Perrin, Lewis
Roche, W.
Roe, J.
Rotch, B.
Ruthven, E. S.
Ruthven, E.
Seale, Colonel
Sheil, R. L.
Stavely, T. K.
Talbot, J. H.
Trelawney, W. L. S.
Vincent, Sir F.
Walker, C. A.

PAIRED OFF.

Methuen, P. C.

Clause agreed to.

On Clause 110 being put, which enacts that the Commissioners may suspend the appointment of clerks to rectories, &c., where divine worship shall have been intermitted for three years, Mr. *Shaw* said, he owed an apology to the Committee for having already occupied so large a portion of their time in the discussion of the details of the measure before them, but he trusted, that taking into consideration the peculiar situation in which he stood in reference to the Irish branch of the Established Church, they would feel, that he was not entirely without excuse. He hoped, too, that they would do him the justice to acknowledge, that while he was uncompromising, he had not been vexatious in his opposition, and that from the second reading to the present time he had endeavoured not to dwell upon minor points to which he objected, but to lay hold of those broad and striking features of the Bill which demonstrated to his mind, that it would never pass into a law without great and irreparable injury to the united Church Establishment. While it professed to reform, he had pointed out, that its real tendency was to spoliate the property and greatly diminish, if not altogether destroy, the efficiency of the Church. As regarded the question of property, he admitted, that the omission of the 147th clause which had occurred on Friday night was a considerable improvement; but the second ground of objection—the contracting the influence and crippling the energies of the Protestant religion in Ireland, remained in its full force, and pre-eminently lay in the 110th clause, which the Committee had then to consider. The principle upon which the Government went was, that there should not be an incumbent where there was not service in a benefice. With that he was not inclined to quarrel; he allowed it was an evil that there should be an incumbent without service being performed; but there were two ways of remedying the evil—the one to remove the incumbent, the other to establish the celebration of service. The Government proposed the first, which he (Mr. Shaw) could not too strongly deprecate; but he would gladly adopt the second, and assist to the utmost in extending the benefits of the established religion into every district of the country. That was the course which the Irish Bishops were successfully pursuing at the very time that it was sought to reduce their numbers by nearly one-half, and transfer their authority to a kind of lay Commission, whose duty the clause then under consideration would make it to prevent that very extension of the benefits of the Establishment which the Bishops had been labouring (and with the best effect, to promote. A reference to the history of the Irish branch of the Church for the last thirty years would best illustrate his meaning. There were in Ireland about 1,400 benefices—it was admitted, that in many of them service had not been regularly performed; but if they went back to the year 1800, it would be found, that at that period the observation would have applied to at least 700 of them, or the half of all the benefices. But what was the fact at present? That there were, under the anxious care and superintendence of the Episcopal Bench, new churches built in about 500 out of the 700, where they had then been deficient, he had no doubt that there were at least 100 other places licensed for divine worship, where there were not the means of building a Church, which would leave but 100 benefices still unprovided for; agreeing, as nearly as could be, with the Return lately printed by the House. He had gone over that Return with his right hon. friend, the member for Cambridge (Mr. Goulburn), whose continued indisposition, he lamented to say, deprived the friends of the Church of his valuable aid that night; and it appeared that deducting the cases to which the clause was inapplicable, on account of their being either in lay patronage, or parts of unions, or rectories entire, with vicarages endowed, there would not remain above sixty-six benefices of those already returned where service had not been performed for the last three years. Take them, however, at 100; and let them suppose that such a Bill as the present had passed thirty years ago, the consequence would have been, that instead of 100, 700 benefices would have been still unprovided for; and while six-sevenths of the only ground that could be possibly assigned for suspending these incumbents had been already removed, and its diminution was rapidly progressing, the House was called upon to arrest its progress, and to place the remaining seventh part out of the pale of the established religion. He protested against the right of a state professing an established religion so to act; while they tolerated other religions, they could only be justified as a state in encouraging the one by law established—they could not with propriety or justice shut out from its benefits any portion of the community. As well might they contend because one class of persons —say for instance the Jews, in regard of the observance of the Sabbath—did not personally make use of or ask the protection of the civil law of the land—any district of the country in which such persons happened to reside should be excepted from its operation. The same principle applied in respect of the established religion as of the established law. The clause, compared with the progressive improvement then taking place in Ireland, furnished the most irrefragable argument against the transfer of the ecclesiastical authority to the Commissioners. There had been 500 glebe-houses, as well as 500 Churches, built within the same period of thirty years; and among the 1,400 beneficed clergymen, there were but 135 who could in any sense be called pluralists. Was that, then, such an unhealthful state of the Church as to demand the undue interference attempted? It was said, that it might have been easy to build new Churches, but that they were without congregations. That he altogether denied; and as an illustration of those places where churches were not yet built, he could state, that in forty new churches or places of worship, which had accidentally been brought under his consideration as having been very recently erected or established, there appeared to be averaged congregations of nearly 400 persons. Some hon. Members argued as if the Established Church was *malum in se;* and that the great object was to cut it down, instead of extending it. The hon. member for Middlesex treated it as a standing army in time of peace. The hon. Member might wish that neither mind nor body should be kept under restraint; but while he (Mr. Shaw) did not desire any unnecessary legal control to be exercised over men's individual actions, he would as far as possible multiply the checks which moral and religious cultivation were calculated to produce in the general conduct of a people. Independently of higher spiritual considerations, the clause was, in a mere temporal and political one, highly objectionable. Looking to the circumstances of Ireland in this respect, could any one deny, that the Protestant resident clergy were an incalculable advantage? He would not compromise his own opinion that they were paramountly so, as holding up the sacred light of truth in what he must consider the darkness which surrounded them. But he would even appeal to the Irish Roman Catholic Members of that House, whether in all the relations of society—in all the offices of kindness and benevolence—in relieving the poor—advising the uninformed—assisting and comforting those that were in sickness or any other distress, there could be found more accomplished gentlemen, better neighbours, or sincerer friends, irrespective of religious distinctions, than the clergy of the established Church in Ireland? He reminded them that they were not to be relieved of the tithe—that was to be paid the same as if the incumbent had not been suspended; no real benefit could therefore accrue to any class or to any person. He trusted the Government would not persevere in retaining a clause which would not serve the Roman Catholic, or even gratify the agitator—while it must permanently injure the established religion, and would undoubtedly give serious offence to the whole Protestant population of Ireland. Mr. Shaw then read an amendment to the effect that all monies saved by the suspension of an incumbent should be applied for the sole purpose of building a Church within the particular benefice where such suspension took place; and he said, that he would first divide the Committee upon the omission of the whole clause—and if that was carried against him, he would afterwards move the Amendment on the bringing up of the Report.

Mr. Secretary *Stanley* said, that the object of the clause was quite the reverse of that attributed to it by the hon. and learned Gentleman. That clause was intended to conduce, and he was sure would conduce, to promote the interests of the Protestant Church, and the diffusion of the Protestant religion in Ireland. The way in which the hon. and learned Gentleman, it appeared, wished to produce that desirable end, was by erecting Protestant Churches in places where there was no Protestant congregation, and where there was not even a probability of a Protestant congregation. Now the present clause went to work in a different manner. It proposed to empower the Commissioners, the majority of whom would be ecclesi stics, to transfer the emoluments accruing from benefices where no duties had been performed for a certain period, and where there were no duties to perform, to the ill-paid Ministers and curates of places where large congregations existed, and heavy duties were discharged. That was the true way to consult the interests of Protestantism in Ireland.

Mr. *Sheil* said, that the hon. and learned member for the University of Dublin had no need to be so mightily frightened as to the anticipated effect of this clause. If the words of the clause were—"that the celebration of divine worship shall have been intermitted therein for the period of three years previous to the 1st of January, 1833," then, indeed, the hon. and learned Gentleman might have some grounds for alarm; but the words in the clause were —"for the period of three years previous to the passing of this Act." The Act would not be passed at least for a month to come. The hon. and learned Gentleman had therefore only to address a circular to his constituents—to the 2,000 Protestant clergymen that existed in Ireland; and let them sally forth to celebrate divine service in all those hitherto neglected benefices. They had abundant time to perform the work. It would be a *pia fraus*, to be sure; but what of that, when the interest of the Church was at stake? It would effectually defeat the object of the present clause. He had no longer any interest in the measure, because it would in its present shape altogether disappoint the expectations of the people of Ireland.

Colonel *Conolly* said, that although he had relaxed nothing in his hostility to the general principle involved in the Bill, he considered the clause then under discussion as forming one of the most objectionable features of the whole measure; it bespoke not merely an intention, but a manifest desire, on the part of his Majesty's Ministers, to eradicate the Protestant religion—a circumstance which he could not view without pain, or cease to deplore. He was satisfied, that the consequences of the measure must be such as he predicted. The hon. and learned Gentleman, the member for Dublin, in the early part of the evening, laid great stress upon the return that had been made of the number of benefices in which divine service had not been performed for three years, but it was rather strange, seeing that he was a supporter of the measure, that he should have selected the diocese of Limerick. Now it was notorious that that diocese had been for a long period deprived of the superintendence of its excellent diocesan, owing to the infirmity of the venerable Prelate; and the return clearly showed, that that was the part of Ireland in which the greatest number of deserted livings were to be found; establishing, as he considered, a *prima facie* case of the consequences likely to ensue in a diocese where the Bishop did not reside. The right hon. Gentleman, the Secretary for the Colonies, in one part of his speech, made a statement which was not borne out by the fact. He said, that churches had been built where there was no necessity for them. He believed that no such case existed. In the three provinces in Ireland with which he was connected, he never heard of such a circumstance—on the contrary, he knew several instances in which churches had been built, where the congregations were at first small, but they had gone on increasing, until at length it was found necessary to call for the enlargement of the Church and for the appointment of an additional curate to attend to the parochial duties. He thought the right hon. Secretary had been carried away a little by his feelings when he said that the best way of preserving the Church was by effecting its destruction. He could not conceive how the right hon. Gentleman could propose to advance the interests of the Church at the same time that he was curtailing the means of imparting moral and religious instruction. He was sure that if the clause were not omitted altogether, the next best thing that the House could do would be to adopt the amendment of his hon. and learned friend, the member for the University of Dublin. Upon common grounds of fairness he put it to the House whether it was just, that the funds raised within any parish should be diverted to other purposes than the sustentation of the Church in that particular district? The right hon. Gentleman undertook to legislate upon the grievances of Ireland; but in this instance he did not abolish the payment of tithe in the parish —he left the burthen, but he removed the advantage. He removed every semblance of religion in the parish, and then he talked of advancing Protestantism. It appeared to him most extraordinary, that while the right hon. Gentleman was destroying Protestantism, and sweeping it from the face of the country, he should in the same breath take credit for being its most steadfast friend and warmest supporter. When he considered the three years that had been selected, during which, if an intermission of service had occurred the benefice was to be declared void, it appeared to him that a more inappropriate period could not have been chosen. The clergy during that period had been driven from the country for fear of their lives; and Dr. Butler that respected and aged gentleman, had been expatriated, and the Protestants of his parish would, he feared, very soon have to follow their rector. The character of Dr. Butler stood without impeachment. It had been urged against him that he had been bred a surgeon: the fact was so; but from the moment he took orders he united medical skill with his sacred functions—his house became a dispensary—and never was there a more cheering instance afforded of parochial care united with splendid munificence, than the conduct of Dr. Butler presented. He was driven forth from his parish—not because he was an absentee, or supine, or neglectful of his duties—but because, in the sphere in which he moved, his conduct was such as to do credit to human nature, and add dignity to the character of a clergyman. The hon. and learned Gentleman, the member for Tipperary looked upon the measure with distrust, inasmuch as he conceived it was not calculated to further his views. Now he objected to it because it was too well calculated to realize those objects which it was known were dear to the hon. and learned Gentleman. He looked upon the measure, in fact, as a monstrous stride towards the extinction of Protestantism in Ireland. He felt sincerely that such must be the consequence of the measure; and so feeling he trusted he might be pardoned for warmly expresing those sentiments.

Sir *Robert Peel* said, that his objection to the proposition before the House was, that instead of encouraging the performance of divine service in parishes where it had not been for some time performed, the Bill proceeded upon the principle of preventing its performance in future. The right hon. Gentleman asks whether we would have a church built in every parish, whether there was a congregation there or not? By no means—but in parishes where it might not be deemed adviseable to build a church, it might be adviseable to license a house for divine service. He did not certainly mean to say, that even out of these funds they should in every case be at the expense of building a church; but the utmost benefit having arisen from providing a house for the celebration of divine service where there was no church, he did not think the House ought to object to the adoption of a plan which could not be attended with a fiftieth part of the expense of building a church. The House would be enabled to judge of the value of the plan, when he stated that even in the wild districts of Cunnemara, where there was generally supposed to be no Protestant population, congregations had come to places so licensed. He held in his hand a list of the houses licensed in the diocese of Tuam, where the Roman Catholic population had an immense preponderance. By this list it appeared that one of the houses was attended by a congregation amounting to 120, another by a congregation of sixty, and a third by a congregation of seventy-five. Now, although the House might not deem it right to build churches for these small congregations, he did contend that it was the duty of the House to provide them with the means of attending divine worship. The right hon. Gentleman appeared to think that, upon the whole, the measure would be beneficial to the Protestant Church in Ireland, but he must say, that he greatly doubted whether the Bill contained anything which could compensate for the shock which that and other clauses would give to Protestant feeling in that country. The right hon. Gentleman, in justification of the clause, to which he had previously adverted, referred the House to the Return upon the Table, showing the number of benefices in which divine worship had not been performed for three years; but the Return was so imperfect as hardly to afford the House the means of forming a correct judgment. Taking it, however, as he found it, he could not agree in the conclusion that the evil which the clause was intended to remedy was a very crying one. He took up the first page, and he found that in the diocese of Clogher there was not a single benefice to which the clause would apply. He turned to the next diocese—that of Meath, and he found eight benefices in which divine service had not been performed for the last three years. But out of these eight there were only two to which the clause could apply, for the remaining six were in the hands of lay patrons. In Down he found only two benefices returned, but in neither of them would the clause apply. In the next diocese there was only one benefice to which the clause could apply—

so that in the three first pages of the Return he did not find more than three benefices to which the clause would apply, and was it, he would ask, worth while to adopt so dangerous a principle where the evil complained of was, comparatively speaking, of so trifling a nature? He went on and found that in Raphoe and Dromore there were no benefices to which the clause would apply—and that in Ossory, out of twelve benefices, in which divine service had not been performed for three years, there were only six which came within its provisions. The right hon. Gentleman had quoted Limerick, in which there were sixteen benefices to which the clause would apply. [Mr. *Stanley:* twenty-seven]. Yes, twenty-seven benefices in the whole, but only fifteen or sixteen upon which the clause could be brought to act. But in none of these cases had we any calculation of the value of the benefices, of the amount of the population, or how far the licensing a house for divine service might be found expedient. He thought it necessary that the Protestant feeling in Ireland ought to be consulted upon this subject, and that the House should pause before it led the Protestants of Ireland to believe that Parliament was capable of countenancing any plan which discouraged the Protestant religion. Suppose, as had been well urged by his hon. and learned friend, the member for the University of Dublin (Mr. Shaw), that the principle now about to be acted upon had been adopted in the year 1800. Since that period 500 churches and 500 glebe houses had been built in Ireland, and there was no doubt, that half of them never would have been built, had such a Bill as that then before the House been passed thirty years ago, and, of course, so many places would have been deprived of the benefit of a resident clergyman and the means of attending divine service. What he would now, however, ask of the House was, not that a Church should be built in every parish, but that a house should be allowed to be licensed where divine service might be performed, in those parishes wherein the building of a church might be too expensive, and not absolutely necessary for the accommodation of the inhabitants. If the right hon. Gentleman would deduct the number of benefices from the Return to which the clause would not apply, he would see that the practical result would be small indeed, and would but ill compensate for the offence which would be given by it to the Protestant feeling in Ireland, and for the apparent indifference of the House of Commons to the religious wants of the people.

Lord *Duncannon* thought it necessary to respect Catholic as well as Protestant feeling. He was anxious to support the Protestant establishment, but not in parishes where, there being no Protestant inhabitants, the benefices were merely sinecures—a scandal to the Protestant Church, and a grievance to the Roman Catholic population.

Colonel *Perceval* said, that it appeared to him that the object of the Amendment proposed by his hon. friend, Mr. Shaw, was, that the progressive improvement now taking place under the superintendence of the Bishops in Ireland should not be put a stop to. He objected to the last three years being taken as a criterion—a period which was more fertile than any preceding period in the expulsion of clergymen from their livings. It appeared that the Bill was to have no operation until after the avoidance of the living. If peace and tranquillity should be restored in Ireland, and if service should be performed in the parish for fifteen years to come, it was not imperative upon the Commissioners to prevent the operation of the clause. The noble Lord the member for Nottingham stated that in one parish some of the parishioners were fourteen miles from the Church; that might be a good reason for licensing houses, but the circumstance added little to the strength of the noble Lord's argument in favour of abolishing benefices.

Mr. Secretary *Stanley*, to remove all difficulty, was willing to take the date of the return as the period from which the three years should be computed. He therefore, moved to insert the words, "three years next preceding the 1st of February, 1833."

This Amendment having been agreed to,

Mr. Estcourt moved the following Amendment — namely: to insert after "1833" the words, "and shall not have been resumed and regularly performed within six calendar months before such avoidance."

The Committee divided on this Amendment—Ayes 63; Noes 237: Majority 174.

Clause agreed to, as were the clauses to 148.

The House resumed, the Committee to sit again.

SHERIFFS' EXPENSES.] Mr. Fysche Palmer moved that the House resolve itself into a Committee upon the Sheriffs' Expenses Bill.

The *Solicitor General* opposed the Bill, many of the clauses of which were highly objectionable.

Mr. *Robert Gordon* supported the Bill. It was important that the expenses to which the Sheriff of a county was liable should be reduced.

Mr. *Tooke* opposed the Bill, which presented in his judgment a perfect wantonness in legislation. Some of its provisions were ridiculous.

Sir *Matthew White Ridley* objected to the Bill because it went to saddle the county, already sufficiently burthened, with an annual expense of between 500*l*. and 600*l*. If the learned Solicitor General would divide the House on the Motion, he would support him.

Mr. *Fysche Palmer* denied that its provisions would impose on the counties of England a single additional shilling.

The House then divided, and the numbers were—Ayes 42; Noes 60: Majority 18.

The Bill was therefore lost.

HOUSE OF LORDS,

Tuesday, June 25, 1833.

MINUTES.] Bill. Read a second time:—Exchequer; National Debt.

Petitions presented. By the Bishops of LINCOLN, and of LICHFIELD and COVENTRY, from several Places,—for the Better Observance of the Sabbath.—By the Archbishop of CANTERBURY, from Newcastle-upon-Tyne, for a Factories Regulation Bill.—By the Duke of RICHMOND, from Drogheda, for Encouraging Public Works in Ireland.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.] The Earl of *Ripon* said, he stood before their Lordships for the purpose of introducing, for their consideration, a question of which no man could overrate the importance or the interest; and he could assure their Lordships that he approached the execution of that duty with such feelings of embarrassment and anxiety as he had never, in a parliamentary life of not much less than thirty years' duration, experienced before. He could not but feel, in dealing with a subject of such immense importance, how much he stood in need of their Lordships' indulgence; and though, were he to ask that out of any personal considerations, it might have the appearance of mock humility, he trusted their Lordships would extend it to him, out of regard to the great question which he rose to bring under their notice. The House of Commons, after much discussion, carried on for some years, and in every variety of shape, had come to certain Resolutions with respect to the subject of slavery in his Majesty's colonies, in which they sought the concurrence of their Lordships. This was a very great, a very grave subject. It involved many details, affecting not merely the state of a large number of individuals whose situation was utterly unlike that of any other British subjects, but it also involved the interests of those under whose control and power the first class, whom he had adverted to, lived. It likewise involved commercial and political interests of unequalled extent and magnitude; branching out into a variety of ramifications which affected almost every class of industrious persons in the country. It also involved, in the shape in which it now came before their Lordships, the imposition, or the call to impose, on the people of this country a very considerable sum of money, as the means of bringing to a successful issue this most difficult and important question. In asking their Lordships to accede to these Resolutions, he must begin, in the first place, by explaining to them the grounds on which he did not call for their acquiescence. In the first place, he did not ask them to consent to those Resolutions from the effect which the consideration of the subject had upon his own mind, or on account of any fancy or speculation of his own; he did not ask them to consent to those Resolutions from any wild, or enthusiastic, or what might be denominated even fanatic views of the abstract principles of justice. It was impossible for any man, he admitted, to consider this question without having his feelings deeply interested; but, in the situation in which he had been placed, having been obliged for some years to examine this subject closely, as a Minister of the Crown, with a view to its satisfactory adjustment, he had anxiously, and he hoped successfully, endeavoured to divest himself of all those feelings which the nature of the question was calculated to excite; and to come to the discussion of the subject with all the calmness which it required, banishing those prejudices and passions which were troublesome and perplexed guides on questions of practical policy. He had not been induced to take the part he had done on this question from any wish or desire to conciliate any parties in this country. He was well aware that there was a large body of persons in this country who had applied their utmost energies, for years past, to produce on the public mind a deep impression of the horrors of slavery, and of the necessity of abolishing the system. He, however, never had pursued that course—he never had been influenced by such proceedings, and he would undertake to say, that his Majesty's Government had not been influenced by any motives connected with the party to which he alluded, to subject to change and hazard the great interests involved in this important question. [The noble Lord appeared to be extremely ill, and paused for some time, but was encouraged by cries of "hear, hear."] Their Lordships, he said, were more indulgent to him than he deserved. He would, however, endeavour to explain to the House what were the real grounds upon which he asked the House to accede to those propositions; in acceding to which he thought they would be doing not merely an act of justice and humanity, but an act required by considerations of public policy. He said public policy, and he added that emphatically to the two other inducements which should lead their Lordships to take this course; because, however a man's feelings of justice and humanity might prompt him, still he ought not to proceed hastily, rashly, and without that due consideration of the means to meet all the difficulties of the case, and secure those advantages which public policy demanded. [The noble Lord again evinced symptoms of indisposition, and was obliged to sit down.]

The Earl of *Winchilsea* said that, seeing the noble Earl opposite in a state of evident illness, his feelings being probably excited by the importance of the subject, he begged leave to move the adjournment of the debate till the following day.

The Earl of *Ripon* again rose, and said, he begged to thank the noble Earl for his kind consideration, but he hoped he should yet be able to execute his duty, and he should be extremely sorry if, on his account, a question of such great importance were postponed. He would, with their Lordships permission, proceed to observe, that the ground on which he asked their Lordships to acquiesce in these Resolutions was not founded on any vague, indefinite, speculative views of a mere abstract nature. The House of Commons, by their Resolutions, had expressed themselves in favour of a change, because the present state of things could not possibly remain. He should be able, he thought, to satisfy their Lordships that a course of events, which no human power could check or prevent, had brought this question to such a point, that if they did not now fairly and honestly endeavour to settle it, those colonies would be left in a state of irretrievable confusion. It was not, therefore, on account of theoretical speculation, or what was called sentimental humanity, that he asked their Lordships to adopt those propositions; but because, in the present state of things, if they did not pursue some effectual measures, those colonies would be exposed to evils which God forbid should ever befall them. He was not one of those who could contemplate without dread all those vast interests, and that great mass of property connected with the colonies, involved in ruin, though he was aware that there were some persons who supposed that this might take place without prejudice to this country. But the present proceeding arose out of the necessity of the case, and the question for their Lordships to consider was—and it was founded on the very nature of the case itself—whether slavery could be permanent or not? It was, he believed, too late to argue, that it should be permanent. He had never heard—he had never met with any man who asserted—he had never read in any publication in this country—that, as a permanent principle, slavery could be maintained in the British dominions. It had become, therefore, merely a question of time, and their Lordships had to consider whether the time had or had not come when it was necessary to deal with it, and if it was necessary to deal with it, their Lordships must consider in what manner it could be dealt with, other than by abolishing it? It was inherent in the very nature of the subject itself, that where slavery existed in a civilized country, and, above all, in a free country, the question resolved itself into this—whether the time had come for its abolition? It might be said, and it was true, that slavery was the offspring of the laws of this country; but no man could assert that slavery was not uncongenial to all the customs and habits of the people. It was a question of that nature, that when once the mind of the public was directed towards it, their Lordships might be certain that the desire to put an end to the system must proceed, by slow degrees at first, but afterwards with accelerated velocity, until nothing but its abolition could satisfy the nation, and then inaction in the Government became impossible. The first blow given to slavery was when the public mind was called to the consideration of the slave trade; and it was impossible to disconnect the question of the slave trade from that of slavery itself. He knew that those who first advocated the abolition of the slave trade disclaimed any idea of mixing the two questions together, and he believed they acted rightly and wisely in adopting that course; but to the eye of any statesman, or of any person accustomed to deduce consequences from preliminary facts, it must appear plain, that all the arguments in favour of the extinction of the slave trade applied also to the extinction of slavery itself. No less a man than Mr. Burke entertained that opinion, at a time when the question had not so much interest as it possessed at present. In 1780 Mr. Burke's searching, philosophic, and, at the same time, practical mind, had directed itself to this subject; and, though the particular plan which he was led to contemplate aimed at the mere extinction of the slave trade, yet he always laid it down as a principle, that the same reasons which led to the extinction of the slave trade led also to the extinction of slavery itself. Let their Lordships look at all the evidence and examinations which took place when the subject was first brought before Parliament—let them look at the examinations before the Privy Council, and say whether they did not all prove that, sooner or later, if Parliament began to discuss the principle of the abolition of the slave trade, they must come at last to the consideration of the abolition of slavery itself? It was true the public mind was not very hastily directed to this particular part of the question. The horrors of the slave trade were at that time quite enough to absorb the public attention, but, as time went on, the minds of men were called to the consideration of slavery generally; and the facts which were daily elicited with respect to the situation of the slaves rendered it impossible not to come to the discussion of that subject, and to the conclusion, that slavery must be abolished. [Here the noble Earl again paused for a considerable time.] His Lordship proceeded. The events of war diverted public attention into another channel, but, in the year 1806, a measure relative to the slave trade was introduced by the Government, and a Resolution was adopted by the House of Commons which he thought was exceedingly proper. He recollected it the more particularly, because on that occasion he gave his first vote on this subject. Most of those who felt an interest in the question, and those also who in Parliament supported the abolition of the slave trade, acknowledged the propriety of that Resolution. [Here the noble Earl again sat down in a state of apparent exhaustion.]

The Duke of Buckingham moved, that the House do adjourn during pleasure.

The Earl of *Ripon*, somewhat recovered, again rose. He certainly felt anxious to advert to those early proceedings, because it appeared to him that all which had happened at that time, with reference to the discussions on the slave trade, formed the basis of everything which had been since done on this subject. After the peace of 1814, a new point arose on this question, and though, perhaps, not very directly connected with the proposition about to be submitted to the House, nevertheless it formed an important particular in the concatenation of circumstances which had brought them, with reference to this question, in the situation in which they now stood. The exertions of a noble friend of his, who, at that time, held the office of Secretary of State, and who was one of those who doubted the expediency of doing away with slavery itself, were directed to the subject of the slave trade; but that noble Lord, in all his correspondence with France, Spain, and Portugal, on that question, adduced no reasons which, if pushed to their full extent, would not be applicable to the extinction of slavery itself. That correspondence, of course, went forth to the world, and the inference to be drawn from the reasoning it contained was, that the slave trade was contrary to justice—that it was contrary to humanity; and why? Because it was not possible to be carried on without giving a power to those who were embarked in the trade over men who were as free as themselves, and because it could not be carried on without perpetuating a blot on the character of this country. Why, then, were they called on to abolish slavery? For the very same reasons. No man could say that slavery was just—no man could say that slavery was humane—no man could say that slavery was consistent with those principles which they had all been taught to venerate and to cherish. They had no right to appropriate to themselves the physical force and strength of their fellow-men, and every principle on which they supported the propriety of abolishing the slave trade applied with equal cogency to the extinction of slavery. Then it became a question of time and means. Was it very extraordinary, he would ask, that the people of England should be hostile to a state of things which was entirely opposed to their feelings? It might be said, that great interests were involved in this question, and that great danger might be apprehended from a change in the system. That argument merely proved that they should proceed with caution, but it could not apply, and a statesman would not apply it, as an answer to the general feelings of a whole nation. Unfortunately, in proportion as a desire was manifested on the part of the people that this system should cease, it produced in the minds of those whose property was likely to be affected by its feelings of a very contrary description. He did not blame—he did not dare to blame—those who felt alarm and dismay at the threatened extinction of their supposed rights, and at the expected diminution of their property—it was natural and proper that they should feel apprehension; but the effect of it was, to excite more strongly the antagonist principle; and the question was soon presented in a shape which required the decision of the Legislature, and which decision could not longer be postponed. On the one side was arrayed the principle which called for an abolition of slavery, and on the other the antagonist principle by which that proposition was opposed. There were the feelings of justice and of humanity on the one hand, and of interest and prejudice on the other. This tended greatly to complicate the question, and to render it one which, if not decided by Parliament, must sooner or later terminate in a crisis. In 1823, the first great step was taken by Government with reference to this question. The foundation was then laid for a change in the system. In 1823, certain Resolutions were come to by the House of Commons, in which, though they were most cautiously—most judiciously worded—still they recognised, in the most distinct and clear terms, the object at which Parliament should aim—namely, the ultimate extinction of slavery. The passing of that Resolution led to the inevitable result at which they had now arrived, and contracted this question to one of time and means. Since that, a circumstance had occurred which had a very great influence on this subject, and had, perhaps, more than anything else, tended to place it in such a state that it could no longer remain stationary. That event happened in the colony of Demerara. In 1823, an insurrection broke out there, and a missionary, of the name of Smith, was taken up on the charge of fomenting it. He was brought to trial, and sentenced to death. The execution of the sentence was postponed till reference was made to the government at home. The decision of the Government was, that the sentence should not be carried into effect; but, in the mean time, the unfortunate man died in prison. This, at the first view, might not seem to have much effect on the question of abolishing slavery, but it produced in this country a strong religious feeling on the subject. He would not enter into the question as to how far slavery was tolerated by religious tenets elsewhere, or how it accorded with the precepts of the Christian religion. But, in a matter of this kind, where men's feelings were deeply interested, if there were superadded to those feelings a strong religious conviction as to the necessity of the extinction of slavery, it gave a redoubled vigour to their efforts to accomplish their object. Men might take a particular course from motives of vanity or of ambition. Those incitements were, however, transient in their nature, and passed away; but if, in matters of this kind, men's feelings were mixed up with sentiments of a strongly conscientious and religious nature, no idea of political expediency, no idea of self-interest, none of those circumstances which, in ordinary cases, might operate, would, in the slightest degree, prevail with them, or prevent them from proceeding strenuously in the pursuit of that which they believed to be just. At the time to which he was adverting, the zeal of religious persons in the country led them to take a more active part in sending out to the West-India colonies persons to spread amongst the negroes the blessings of religious instruction; and what had happened at Demerara induced them to believe, that a bar would be interposed to put an end to their efforts in endeavouring to disseminate religion amongst the slaves—that they would be absolutely prevented from doing that which they called and considered a positive duty; and that they would not be allowed to introduce amongst the negroes that which they conceived to be essential to their eternal happiness. They were, therefore, stimulated by every feeling that could operate on the mind of man to persevere in their endeavours, in spite of all obstacles, to send out religious instructors to the colonies. This produced a very unfortunate effect. It led the planters, generally, to view this class of religionists, as particularly hostile to their interests, as a body of men who were seeking to destroy their undoubted rights. This feeling, from its own nature, was progressive, and threatened the colonies with the most fatal consequences. At length, in 1826, the Resolutions of the Commons passed in 1823 were presented to that House, and in those Resolutions their Lordships unanimously acquiesced. Their Lordships, then, as well as the House of Commons had established the clear and undeniable principle, that the time was come when slavery should be done away with. He knew that the question of time was of great importance, and he knew very well the arguments used by those who said, that the proper time for the abolition of slavery had not yet arrived. When individuals said, that the slave was not educated—that he did not understand the duties attached to a state of freedom, so as to enable him to enjoy it—they asserted that which remained to be proved. The question was, whether, supposing the slave not now fit for freedom, the time had not arrived when he was unfit for slavery? It certainly appeared to him that the slave was now unfit for slavery, and that was the most dangerous situation in which a large mass of people, still kept in slavery, could be placed. It was for the West-Indies the most perilous position that could be imagined. When the slave trade existed such a state of things was fraught with less danger than now. The supply was then drawn from year to year from the coast of Africa; and those negroes who were imported into the colonies had no notion whatever of the ordinary relations of civilized life. They knew not the moral degradation of slavery, and they thought not of extricating themselves from it. But it was a very different thing now. The Legislature had to deal with the feelings of a half-civilized people, who resented the physical sufferings which they were obliged to undergo, and whose information produced strong and fearful irritation of mind. This was the necessary result of the abolition of the slave trade: because, the moment they cut off the ordinary supply of slaves, they obliged the planter to depend on those he could rear on his estate. They compelled him, from the necessity of the case, to place his slave in a perfectly different situation. The planter was forced to administer to the comforts of his slave; and, above all, to administer to the wants of his mind—rendering him intelligent, teaching him to read and write, and, finally, making him not only an intelligent being, but a Christian man. When the measure of the Legislature, by the abolition of the slave trade, brought about this change, they completely altered the relations between the master and the slave. They taught the latter that the endurance of the lash was dishonourable, and that the chance of exposure to it was degrading. Now, he would call upon their Lordships to look at the evidence of those who wished to abolish slavery at once, and of those who were adverse to that proposition. The missionaries, or, as some called them, the enthusiasts, told the world, that the slaves were in such a state as to be perfectly fit to enjoy their freedom, the importance of which they completely comprehended. Those persons affirmed, that the slaves only required the ordinary stimuli, by which individuals were induced to labour, to work as freely and as cheerfully as any body of free men. The endeavour to improve the condition of the slaves had materially altered their character and dispositions. That the amelioration had been carried far enough to produce all the effects that might be expected to result from it, he did not say; but the evidence of both parties proved, that the negroes were in that state of increased intelligence and improvement which rendered them, even if they should be as yet unfit to be completely free, utterly unfit to continue slaves:—

Mens agitat molem et magno se corpore miscet,

The great mass was so far under the influence of mind as to render it impossible to prolong the present system with any degree of safety. The catastrophe that must inevitably result from such an attempt could only be prevented by entertaining the Resolutions which he should submit to the House, and adopting the practical measures to which they were intended to lead. How did the matter stand with respect to slavery? The Legislature could not carry things back; could it allow them to stand still? Impossible; and, even if it were practicable, ought their Lordships, as forming part of a free and Christian Legislature, to take no part in procuring both for the slaves and the planters beneficial results from that change which all now agreed was inevitable. In relation to a question of this kind, upon which men's feelings were interested, the Legislature could not avoid advancing; and it would be dangerous to make the attempt. The Ministers, therefore, felt it to be their duty to take the subject up as they best could, and submit to Parliament the outline of an arrangement, in the hope of giving satisfaction, as far as possible, to all parties. Could any one doubt, if this question had not been taken up on the responsibility of his Majesty's Government, that the result would have been to produce a much more dangerous state of things, and one which it would be infinitely more difficult to control? In order to avoid such dangers and difficulties, Government considered it to be their duty to act as they had done. He knew that, according to the ordinary practice of political party and opposition tactics, all this might be represented as extremely absurd conduct on the part of Government, and they might be blamed for yielding to a pressure, which, if they had only had a little spirit, they might have successfully resisted. He could not believe, whatever might be said, that any one would really think thus, or that any person who took the trouble to look at the state of things, past and present, in the colonies, could deny, that the Ministers charged with maintaining the peace of those colonies, and preserving them as useful and valuable appendages of the Crown, would not have shamefully abandoned their duty, if merely on account of dangers or difficulties connected with the settlement of the question, they had left it to take its chance without undertaking the matter on their own responsibility, and calling for the assistance of Parliament to aid them in the accomplishment of such a measure as should set the subject at rest. Having described the motives which had influenced his Majesty's Government in the course adopted by them on the present occasion, it now became his duty to state as shortly as he could the general nature of the propositions which they had recommended to the other House of Parliament, which that House had adopted, and in which he trusted that their Lordships would concur. The first Resolution was, "That immediate and effectual measures be taken for the entire abolition of slavery throughout the colonies, under such provisions for regulating the condition of the negroes as may combine their welfare with the interests of the proprietors." It was unnecessary for him to add anything on the subject of that Resolution. If the view he had taken of the subject were correct in reference to the necessity for an extinction of slavery, the Resolution would follow as a corollary upon the propositions he had laid down. He flattered himself, that it was evident slavery must be abolished, and that no one would deny, if slavery were to be extinguished, that it was fit it should be extinguished under such regulations as might combine the well-being of the negroes with the interests of the proprietors. The second Resolution was, "That it is expedient that all children born after the passing of any Act of Parliament for this purpose, be declared free; subject, nevertheless, to such temporary restrictions as may be deemed necessary for their support and maintenance." Now, it was quite clear, that if the Legislature were to do anything in the way of establishing the freedom of those beyond childhood, the same principle rendered it absolutely necessary to extend the advantage to individuals who should be afterwards born, or who might be of too tender an age at the passing of the Act to participate fully in its benefits. He, therefore, conceived that this proposition was one to which no objection could be taken. He was aware that the plan of extinguishing slavery, by declaring all children born after a certain date absolutely free, was a favourite one with many abolitionists; at the same time he had always felt, in common with the late Mr.

Canning (among others), that such a system could not be reduced to practice without incurring great risks, inasmuch as the plan must produce such a marked distinction between certain classes of negroes as to render it impossible to carry it into effect without endangering the tranquillity of the colonies. Although it was necessary, therefore, that any measure for the abolition of slavery should embrace the freedom of negro children, he thought it impolitic and unwise to confine the process of emancipation to them. Government, in consideration of this difficulty, had devised an intermediate and probationary state, which, while it relieved the negro from the harsher parts of slavery, would not deprive the planters of the advantage of his services during such time as might appear adequate to afford the master reparation for the establishment of his entire freedom. He did not say, that it was impossible to have devised a scheme by which all might be made free at an early period; on the contrary, he thought such a plan quite practicable, and that inducements might be held out sufficient to cause the negroes to labour steadily, they receiving wages for their labour. He thought that the facts of the case were against the supposition, that out of mere idleness and extreme indolence, the negroes would abstain, if not compelled to labour, from all kinds of exertion. The slave might be idle, but it did not follow that the emancipated negro would refuse to work. Why should the slave be otherwise than idle when the whip was not hanging over his head, seeing that he had no motive to labour but compulsion? But under other circumstances, why should it be supposed that the negro was constitutionally more idle than other men? He was not found to be so in Africa, where the best and latest inquiries proved him to be addicted to agriculture, and that he had carried many of the arts of civilized life to a considerable extent. In Africa the negro was known to have acquired a good deal of skill in some branches of manufacture, and although compared with Europeans he must be accounted uncivilized, there was nothing to prove the existence of any physical or moral difference between the negro and other men with respect to a disposition to labour. The motive which induced people to work was want: labour they must, or they could not support life; and the same motive which impelled men to exertion in Europe would, if applied in the West-Indies, induce the negro to labour. There was a great deal of evidence to prove that the negro was capable of being influenced by the same stimulus which worked upon the rest of mankind, and induced them to labour. How account for the negro spending his leisure time, not in idleness, but in active labour, with a view to obtain additional comforts and luxuries—how account for this fact upon any other principle than that referred to? He knew it had been said, that among the free negroes in the West-Indies there was nothing but idleness and vice, but he denied the accuracy of the statement; and, as a proof of its incorrectness, would refer their Lordships to the case of great numbers of free negroes who maintained themselves by their own exertions in Antigua and the Bahamas. But even if these individuals did not labour in so satisfactory a manner, it should be recollected who they were; they were not creoles, but negroes, captured in slave-ships coming from different parts of Africa, speaking different languages, having no common bond of union, none of the habits considered necessary to honest and persevering industry, and yet, in point of fact, no people in the world laboured more assiduously. It was said, that they would not labour in the cultivation of sugar. It could hardly be expected, that they should, where sugar cultivation was the badge of slavery, and in which free negroes probably could not find adequate employment while slave labour was directed to that branch of cultivation. He thought the inference was, that if all were free, all would be disposed to labour. He knew that many doubted, whether the negroes, if they were manumitted all at once, could be induced to labour by the fear of want on the one side, and the hope of wages on the other. Without entertaining any such apprehension, he admitted it to be fit and prudent to establish some sort of intermediate and probationary state between slavery and perfect freedom, under a qualified compulsion. The proposition by which this scheme was to be effected, went upon the principle, that every slave was to be registered after a given date as an apprenticed labourer, and that for a period of twelve years he should be under the obligation of labouring forty-five hours a-week (seven and a-half hours per day) for his existing employer, the remainder of his time being left to himself to be disposed of in the cultivation of the soil, or in any other way most conducive to his own interest. The effect of this system would be, to give the master the advantage of the compulsory services of his negroes to a certain extent; but he was deprived of the power of punishment, which was not to be inflicted on any apprenticed labourer except in pursuance of the sentence of an authorized Court. It was hoped that, under this plan, the same system of cultivation would go on, at least to a great extent—whether to the same extent as at present it was impossible to say—but there was no reason to suppose that the planter would not derive sufficient advantage from the labour of his negroes to remunerate him for their maintenance, which he was to be compelled to supply in future in like manner as at present. By this apprenticeship the negroes were to acquire all the rights and privileges of freemen, subject to the conditions and restrictions referred to. The next proposition, which was contained in the fourth Resolution, was one of very great importance, not only on account of the principle on which it proceeded, but because of the manner in which it might affect the people of this country. He must here premise that he had never contemplated any measure of emancipation without reference to what might be due to the existing owners of the negroes. This consideration constituted one of the great difficulties of the question; for they must take into consideration the risk and loss to which the planters might be exposed; at the same time they all well knew, in days like those, how much and how unfavourably every addition to the public burthens affected the minds of the people. However, he was of opinion, although Parliament possessed the power of altering the relation between master and slave, that it could not do so without giving to the former a just and adequate compensation. The people of this country had, over and over again, expressed their extreme anxiety for the extinction of slavery, and he could not believe that they would have done so without being prepared to take their share of the burthens which the proposed remedy of the evil might naturally be expected to produce; therefore, he thought it by no means unreasonable to call upon Parliament to place at his Majesty's disposal a large sum of money in order to effect the extinction of slavery. He knew, that there were persons who, reasoning on the abstract proposition as to the right of property in man, thought it about as great a crime to give compensation to the slave-owner as to permit the existence of slavery; but the State (which never died, seeing it always survived in its acts and their consequences) had given its sanction and encouragement to that species of property; and if the property thus created were taken away, reason, justice, and common sense, demanded that the State should give compensation to the owners. The amount proposed to be granted in the way of compensation was 20,000,000*l.*, a large sum, undoubtedly; but would any one say that, if by this contribution so great a question could be settled in such a manner as to relieve the colonies from danger, and prepare and satisfy the wishes of the people of this country—would any one say, that the grant was not equally noble and necessary? The last Resolution to which he had to advert was, "That his Majesty be enabled to defray any such expense as be may incur in establishing an efficient stipendiary magistracy in the colonies, and in aiding the local legislatures in providing, upon liberal and comprehensive principles, for the religious and moral education of the negro population to be emancipated." In relation to this Resolution, he must say, that as in so great a change many internal precautions and police regulations would be necessary in the colonies, it was fair that at least a part of the expense should be defrayed by the mother country. It would be unwise to have all questions that might arise between master and labourer to be decided by the local magistracy; and great advantage might be expected to arise by sending from this country persons totally exempt from party feeling to act as Magistrates in the colonies in such cases. It was not reasonable, however, to expect the colonies to bear the expense of such a magistracy, which it was therefore proposed should be borne by the mother country. As to religious instruction, Parliament had some years ago charged the revenues of this country with no inconsiderable sum to maintain in the colonies an establishment connected with the Church of England, so that the principle of providing for the religious instruction of the negroes was clearly established, and he supposed would not now be disputed. Although it was not proposed to pay dissenting teachers, yet it was thought necessary to make some alteration in the law on the subject. It was doubted whether such persons had at present full scope for the exercise of their zeal and talents, and it was considered necessary to remove all difficulties and obstacles out of their way, and leave the religious instruction of the negroes fairly open to the exertions of any individuals who should endeavour to extend to their fellow-creatures in the colonies the benefit of the consolations of that religion which they thought it their bounden duty to diffuse. He believed, that he had now gone through most of the topics on which he had to address their Lordships, connected with this important subject, though he was sensible—painfully sensible—of the very imperfect mode in which he had executed his task—an imperfection for which he could offer no excuse. He had had some experience in matters of this kind, which ought to be familiar to him, inasmuch as his life had been passed in dealing with public affairs; and he really could scarcely account, even to himself, for the very imperfect manner in which he had addressed the House. He could not pretend to speak to their Lordships with the authority, weight, and eloquence of the great men who had preceded him on this subject, but who had passed away —such men as Pitt, Fox, and Burke, or as Wilberforce and Lord Grenville among the living—(and among the other illustrious dead who had distinguished themselves on this subject, he might mention the names of Lord Londonderry and Mr. Sharpe). He repeated he could not speak with the authority of such men, but nevertheless he hoped he had spoken in their spirit. They would have urged the question with an eloquence and power of which he was incapable; they would have laboured under no imperfection or impediment, nor stood in need of any apology. Nevertheless, following, as he humbly trusted, in the track of those great men, and attempting but in vain to adopt their sentiments and feelings, he had called upon the House to entertain this important subject. Their Lordships had the advantage of the riper experience of later times, which some of the illustrious men who were gone did not enjoy, and, resting upon that experience, he thought he might with confidence ask the House to agree to propositions which he considered calculated to promote the public good; and of which, if passed and carried into effect, the fame would not rest with him, but with Parliament and the English nation. If their Lordships, in concurrence with the other branch of the Legislature, should bring this most momentous and difficult question to a safe and satisfactory issue, they would accomplish one of the greatest triumphs of justice and humanity which had ever been achieved within the walls of Parliament. The noble Lord concluded by moving the first Resolution.

The Duke of *Wellington* said, he could assure their Lordships, that he fully shared with the noble Earl in feelings of diffidence at rising to address their Lordships upon the present question. Indeed it was impossible for any man, be his talents and abilities what they might, and his means of bringing those talents and abilities into the field ever so great, not to feel diffidence and anxiety when he contemplated that the question upon which he had to deliver his opinions involved a most important and most serious change in the condition of 800,000 of his fellow-beings. Notwithstanding, however, the influence which his feelings might have with him, the very importance and the very magnitude of the question made it imperative on him to rise in his place and endeavour to show, that in many of his statements and most of his conclusions the noble Earl was not supported either by facts or sound reasoning. Without further preface, therefore, he would at once proceed, as nearly as he could in their proper order, to comment upon different points in the noble Earl's speech. In the first place he had to observe that he fully concurred with the noble Earl in thinking, that the first blow given to the system of slavery took place when the vote was passed by the British Legislature for the abolition of the slave trade; but it did not, he contended, follow, that because that first blow was given in the year 1806, since which period other measures on the subject were adopted, it was therefore necessary in the year 1833 to come to such Resolutions as those which had been that night proposed for their Lordships' adoption. It was not that he intended to endeavour to prevail on their Lordships not to pass those Resolutions that he now rose; but he felt that he owed it to himself, as well as to those with whom he had acted during different

Administrations on the present subject, to point out to their Lordships that the consequences to which they were brought on that occasion did not follow from the grounds laid by the noble Earl. In the first place he begged to remind the noble Earl, that on the discussion on the abolition of the slave trade it was more than once denied by those who advocated that measure that there was any intention on their parts to follow it up by any proposition for the abolition of slavery. On the contrary, it was frequently stated by those who argued most strenuously for the measure, that it was not intended the abolition of the slave trade should be followed by a measure for the abolition of slavery. The intention at that time was, by the abolition of the slave trade, to ameliorate the condition of the slave, and improve the general frame of society throughout the colonies. But he (the Duke of Wellington) could not, from all he had ever heard or read, believe, that it was, even by those who on general grounds contended for the abolition of the slave trade, intended to follow up the establishment of such a system as might lead to those desirable results by the abolition of slavery itself. That men might have looked forward to the abolition of slavery as a remote consequence of the improvement of the state of society, of the amelioration in the state of the slave population, and in the general improvement of the colonies, all of which doubtless were contemplated, and all of which had unquestionably been the consequence of the abolition of the slave trade—there could be no doubt; but that the one was to be considered as the immediate consequence of the other he (the Duke of Wellington) denied, and challenged the noble Earl or any of his colleagues to substantiate it. Neither did the question which was that evening brought under discussion arise from anything that had taken place in Parliament in 1814, nor, he would contend, from what passed on the subject in the Session of 1822-3. In 1814 it was perhaps in the recollection of their Lordships, that a noble friend of his, who was then at the head of the Foreign Department, did all in his power, by treaties and negotiations, and the exercise of all the influence he possessed, and all the means he could devise, to induce Foreign Powers to join Great Britain in abolishing the slave trade; but he positively asserted, that his noble friend's measures with that view did not go to the abolition of slavery, nor were they ever, he believed, stated to tend to the effecting of that object. There was, it was true, something of an opinion expressed at that time that the improvement in the condition of the slave, and of the state of society in the colonies, was likely, at some period or other, to lead to the abolition of slavery; but he again asserted, that the probability of any such event never was stated as a reason for the abolition of the slave trade. He came then to speak of the proceedings on the subject during the Session 1822-3. Many of their Lordships would doubtless recollect that during that Session the individual (Mr. Canning) who was conducting the affairs of his Majesty's then Government in the House of Commons proposed certain Resolutions which had for their object the ulterior abolition of slavery in the colonies. Now that, he contended, was the first occasion on which the question of the abolition of slavery was mentioned on authority in either House of Parliament. And what, he asked, did Mr. Canning say upon that occasion? What were the Resolutions which he then proposed? The noble Earl, it was evident, had not attentively read those Resolutions, or he would not have instanced them as leading directly to those which he had that night moved. The Resolutions of Mr. Canning stated a distant period for the abolition of slavery. They stated, that if the emancipation of the slaves was to take place at all it should take place only at that period when they had been civilized, after measures had been taken to enable them to better their own conditions, and, in short, after they were found to be in a state of society in which, for their own interests, as well as for the interests of the slave proprietor himself, emancipation should become feasible. Towards the accomplishment of that object Parliament had from time to time adopted various Resolutions, and Orders in Council were issued, all of which tended to ameliorate the condition of the slave, to educate him, and to render him fit for that situation in which it was the object and intention of the Resolutions of 1823 that he should ultimately be placed. From 1823 downwards measures having these objects in view were taken by the Government and the Colonial Legislatures, to which the noble Earl had very properly done justice. He also, must do the Colonial Legislatures justice, and say of them, that although they did not perform all that was required of them by Government, they did so much that there had been no Colonial Secretary in office between 1823 and 1830 who had not expressed approbation of their conduct. Therefore, it was not consistent with the facts of the case to say that the Colonial Legislatures did nothing to accomplish the ultimate object of the Legislature. Afterwards, in 1830, came the Order in Council issued for the purpose of regulating these matters in the Crown Colonies; and he would here observe, that the intention of Government, manifested so early as 1823, was to keep these colonies in advance of the other colonies, with a view to their affording examples which the others might be induced to follow. By the Order in Council of 1830, certain very important measures were determined on. The order went, in the first place, to the appointment of protectors of slaves; secondly, Sunday markets were prohibited, and governors were empowered to appoint a market-day; there was a prohibition of Sunday labour—the whip was not to be carried at work—females were not to be punished by whipping—a register of punishments was required to be kept—slaves were declared competent to marry—slaves might acquire property—slaves in certain cases were not to be separated from their families—fees on manumissions were abolished—slaves might effect their manumission by a compulsory process—the evidence of slaves was to be admitted—forfeiture of slaves was ordered in certain cases. This was the state of things in 1830. It was true, that the sentence of death passed on Mr. Smith, the missionary in Demerara, did produce a considerable sensation in this country, and added to the feeling against the existence of slavery. He did not deny the fact; but was that a ground for such an important change as was now proposed in the condition of the negro? That change, he repeated, had been contemplated only as a measure which was to take place after the negroes themselves had been a long time in the progress of improvement. Knowing, as he did, the power of the Government to arrest popular excitement, which made him wish that Ministers would exercise it more frequently, he saw no object which they could gain by taking up this question in the manner they did in 1830 and 1831, unless it was from a desire to press it in a crude and undigested shape upon the attention of Parliament. It was taken up without any necessity in those years, and the consequence was, that their Lordships had the question brought before them in its present premature state. The fact was, that the slaves were not one whit better prepared for emancipation at the present day than they were in 1830. The business of the Government, therefore, if a wise policy had been pursued, would have been, to have begun the measures of preparation in the Crown colonies, and those measures being put into practice, a good example would thus have been set to the Legislatures of the other colonies, which, with a little exertion, made in the spirit of conciliation on the part of the Government, they might in a short time be induced to follow. When that progress had been made, then the Government might have brought the question forward with a view to ulterior measures. But instead of that, the Government came forward with the Orders in Council of 1831, which had no sooner gone out to the colonies than they were found to be impracticable. These orders were first issued to the Crown colonies, and instructions were sent to the Colonial Legislatures to enact them into laws; but the whole attempt was a failure, and the Orders were withdrawn from the Crown colonies, and afterwards from the Colonial Legislatures; and yet what was the result? Why these preparatory measures of 1830 and 1831 having been found impracticable, the Government now took on itself the responsibility of forcing on the question of slave emancipation. Now, on that subject, there were some important points on which the noble Earl had not touched at all, some on which he had said very little, and what he said on others was not only inconsistent with his own former statements, but with the acts of Government. The noble Earl had said, that there was no proof whatever, that slaves when made free in our colonies would not work for hire. In this he begged to differ widely from the noble Earl. He thought, that his statement in that respect was inconsistent with the circumstances in which the negro slaves were placed in our colonies. When a question was raised respecting the emancipation of large bodies of men, who had been most of them from their birth in a state of slavery, the first thing, as it appeared to him, to be considered was, whether those slaves were in a condition to fit them for freedom; and, next, whether, when they were made free, it was probable that they would work for their former masters for hire? The noble Earl had said, that there was no proof to show that they would not. But, he must contend, that the *onus* of bringing proof lay on the other side of the question. Where were the instances in which large bodies of slaves had been emancipated in tropical climates, and had shown a willingness to do the same kind of work as before? The case of the slaves emancipated in Columbia had been cited as an illustration; but suppose that 100,000 slaves emancipated in Colombia had shown a disposition to labour for hire, that would not prove the wisdom or sound policy of emancipating more than 800,000 slaves in our own colonies. It would not establish any proof that, when emancipated, those negro slaves would be willing to work for hire. But he by no means, concurred with the noble Earl as to the sufficiency of the case of Colombia as a case in point. He had very good authority—that of a very intelligent individual resident in Colombia at the time—for taking a very different view of that case. That individual had described the experiment as a dangerous one, from the difficulty which was found of getting the emancipated slave to work at all. This was further proved by the fact, that in four or five years afterwards it was found necessary to introduce a measure for the promotion of agriculture, which measure, it was admitted, was called for by the difficulty found of getting the free negroes to work. He had troubled their Lordships on this part of the subject on a former occasion, and would not now urge it further; he would only ask them to look at their own colonies in tropical climates, and see whether they could find any disposition in the free negro to work in the low grounds. If they looked at Surinam, or any other of the tropical colonies, they would perceive a total absence of any disposition on the part of the free negro to work for hire, or for any other consideration. But, said the noble Earl, the negroes work in Africa. He begged the noble Earl's pardon for expressing his dissent from that assertion; but the question was not whether they worked in Africa, but whether it was probable they would work for hire in the low grounds of our tropical climates. He was aware, that in a country with which he was well acquainted, men were found to work for hire in the low grounds of tropical climates, but those were men who were divided into castes, in which their feelings and prejudices operated on them more than any other consideration, and to those causes might be attributed their unwillingness to work under such circumstances. The case, however, was very different in our West-India Islands. There always was, and there ever would be, a difficulty in getting men to work in tropical climates more than would be sufficient to provide themselves with the common necessaries of life. After they had got these, their great luxury was, to repose in the shade, and this was a luxury which they could procure by refraining from labour; but, begging the noble Earl's pardon, he must say, that he was inconsistent with himself, on the subject of this question of the willingness of free negroes to work for hire. In some of his former communications to the colonists on this subject, the noble Earl had admitted the necessity of coercion. Indeed, unless he was much mistaken, the plan of emancipation which the noble Earl had himself originally proposed—and, although the plan was not before Parliament, as it had reached the public through the Press, he thought he had a right to allude to it—in that plan the noble Earl fully admitted, that, unless some very strong measures were taken, it was not to be expected that the manumitted slave population would labour for hire, and had proposed that, in order to induce them to labour, there should be a measure of coercion in the shape of a tax on the import of provisions. Now, he would be glad to know how, if the negro were not likely to work as an apprentice, it was to be expected that he would work after the period of his apprenticeship had expired, and, consequently, after all the means with which, at present, the planter was armed to compel that work were at an end? He could not indeed conceal from himself the fear, that the consequence of the removal of all control would be a total and complete cessation of the valuable produce of the colonies. He must say, that he considered the Government no very good authority for the assertion that free negroes would be found willing to work for hire, for Ministers themselves seemed to have no fixed opinion on the subject. They first sent out their Orders in Council, which they soon withdrew as impracticable, and in the short space of three months, they had changed their plan several times, and in some of its most important features. First, there was the plan by which the negro was to be coerced into labour by a tax on provisions, which would force him to do a greater share of work; that was to be accompanied by a loan to the colonists of 15,000,000*l.* He wished to know why were they to give or to lend 15,000,000*l.* to the colonists, if the freed negroes were likely to work? He could easily understand the principle of compensation for the difference in the amount of labour done by the slave and the free negro; but then, what became of their boasted improvement of the negro, and of his willingness to work, when he was placed in a great degree at his own disposal? If these improvements were as they were described, why give compensation?—if no such improvement was yet to be found, then all these measures were premature. This part of the plan of coercion by the tax on provisions was given up: and then came the plan of apprenticeship, which was also to be accompanied by a gift of 15,000,000*l.* [A noble Lord: 20,000,000*l.*] No; that was the result of a subsequent change: for, in about a fortnight afterwards, just after the Easter holydays, they found this turned into a gift of 20,000,000*l.* Now, seeing that these various changes were made by the same set of noble Lords and right hon. Gentlemen, who now recommended the Resolutions before the House to their Lordships—seeing so little accordance in their plans, or so little adherence to any fixed principle—considering that the noble Earl in his address to the House, had left some of the most important parts of the measure unexplained, and had touched on others so very lightly, he must say, that he looked to the whole plan with less of confidence than he had ever viewed any great measure that had been submitted to Parliament. If, he repeated, these free negroes should work, and if there should be a return of sugar to the country, for what was the compensation? A right hon. Gentleman in another place had stated, as part of his plan, the slave was to give only a certain portion of his labour to his master, and another part was, that all children of slaves to be born hereafter, and all at present of six years old, were to be declared free: by the way, in this plan, which he must call a very homely one, not a word was said about who was to have the care of these young free negroes. Formerly, the master had an interest in taking care of them, which was now taken from him, and not a word was said about any arrangement with respect to the due care and custody of them. But was he to understand that the compensation was to be given for the loss thus occasioned to the owner? Another part of the plan was, that the slave was to have one-fourth of his labour at his own disposal; that was, that out of ten hours in the day, he was to give the labour of seven hours and a-half to his master, and to have two hours and a-half to himself, which he might give to the master for hire, or to any other person, or dispose of it in any other way he pleased. Was he to understand that the compensation was to be given for this? Then, at the end of twelve years, the whole of the negro population was to be declared free for ever. Was the compensation to be given for that? All these were points on which the noble Earl had not touched, but on which it was important that their Lordships should have some information, in order to see on what principle it was, that compensation was to be given. For his own part, he believed that the loss occasioned to the West-India colonists by this measure, would be much greater than had been admitted by the Government, and of course he admitted, that where there was loss occasioned by the measures of Parliament, there ought to be compensation, but he did not think that this sum of 20,000,000*l.* would be a sufficient compensation for that loss, or any thing like it. There were many classes of persons, who would be great losers by the measure, who would not be included in the principle of compensation, in the way in which it was to be applied. There were some who had no land, but whose whole property lay in slaves, and who would lose their labour without receiving any compensation whatever. This was a point, however, on which the noble Earl had not said anything. But there was another part of the subject, on which the noble Earl had not touched, but which, nevertheless, was most material, as it related to the question of the labour of the negro; and that was as to the probable effect which the whole measure might have on the commerce of the country. Suppose—he now put the case hypothetically—suppose it should turn out that the slave under the new state of things would not work, must there not be an end at once to that commercial intercourse, which had existed for so many years, with so much advantage to us, between us and our West-India colonies? But not only had this intercourse been of immense advantage to us in a commercial point of view, its importance had also been felt in our navy, and, in fact, in every thing which could add to the honour and the glory of the empire. He might be told, that if sugar were not to be raised in our West-India colonies, they could get it elsewhere, and that its transport to our shores would give employment to the same number of ships, and to the same extent of trade. He admitted that it might; but it was unnecessary for him to remind their Lordships of the superior advantage of bringing the produce of their own colonies in their own vessels. Then, besides the advantage of commerce, there was also the advantage of revenue. Were their Lordships prepared to risk the loss of the amount of revenue which was raised from their colonial produce? And here he would beg to refer to what had fallen from the noble and learned Lord on the Woolsack. The noble and learned Lord had said, that he (the Duke of Wellington) had assumed the loss of revenue. He had not gone on that assumption. He had said (going on the assumption that the free negro would not work on the sugar plantations) that we should lose the greater part of the revenue which we now derived from our colonial sugar. It now paid 24*s.* per cwt.; but assuming that the free negroes would not work, and that sugar were to become scarce, could they expect that it would pay the same amount of revenue as at present? Where, he would ask the noble and learned Baron, was the revenue of 5,000,000*l.*, which we now derived from our West-India colonies, to come from, in the case which he had assumed? He should be glad to hear the noble and learned Lord's explanation of that subject. He would repeat, that if sugar became scarce, it would of course be raised in price, and would not bear the same amount of taxation as at present; and, therefore, that we should lose an amount of revenue to that extent. That was all he had said as to the assumed loss of revenue. There was another view of this part of the subject, which he thought deserving of the serious consideration of their Lordships. Suppose the growth of sugar should, from the causes he had mentioned, fail in the West Indies, where were we to get sugar? We must get it, no doubt, from the colonies of other countries in which it was produced by slave labour. This was an hypothesis which he thought well deserved the attention of those who were most anxious to abolish slavery. There could be no doubt that until we should be enabled to import sugar from countries which could raise it by free labour, we must be content to take it from those which raised it by slave labour. What, he would ask their Lordships, would be the inevitable result? Would it not be the renewal of the slave trade, with all the added horrors of its being carried on in a contraband manner, and could any one, who seriously desired to put an end to slavery, contemplate with calmness such a result of his exertions? In proportion as any such individual was serious in his wish to put an end to slavery, so should he be cautious and pause before he entered into a course which would tend much more to increase, than to diminish its extent. Their Lordships should bear in mind that we were greater consumers of sugar than all the rest of Europe together; and he would ask how could our demand be supplied (supposing that the supply from our West-India colonies should fail) except by the produce of slave labour from the colonies of other countries? Another part of the question, on which the noble Earl had told them something that evening, and on which a few words had been said by a noble Earl (Earl Grey) opposite, in answer to a question by his noble friend (Lord Ellenborough) yesterday, was the mode of proceeding proposed by Government with respect to the Resolutions before the House. Although he was well aware that the Government could have prevented the necessity they were under of passing some measure of this kind — although he felt this, he would admit, that they ought not to refuse to accede to those Resolutions, considering what had already taken place on the subject — considering that the House of Commons had unanimously adopted them (though he knew that there were many in that House who thought that a different course ought to have been pursued)—and considering that those Resolutions had also been assented to by the great body of the colonial interests in this country, and that they would find their way with the discussions upon them to the colonies, he felt that it was now impossible for their Lordships to refuse their assent to them, and he should be the last man to advise their Lordships to reject them. But there was an important difference between the mere assent to those Resolutions and an adoption of the means by which they were to be carried into effect. He should prefer that they should be sent out to the colonies, with the request, that the Colonial Legislatures should carry the principle of them into execution by measures of their own. This, it was admitted by those best acquainted with the question, would be the safest mode of carrying the measure into effect. It appeared, however, that these Resolutions were to be embodied into a Bill which was to provide the means of carrying them into execution in the colonies. Before they adopted that course, he would beg of their Lordships to consider seriously what would be its probable results. Suppose the Bill were to adopt the principle of the first Resolution—as it was probable it would—and enact that slavery should be abolished, he would ask, what was to become of all the system of law which had been established in the colonies, founded on the admitted legality of slavery? He would admit, that the moment the law passed here, it being paramount to the authority of any local legislature, the whole system of colonial law on the subject must fall to the ground, and that without any provision being made for many details which were of the utmost importance. Under these circumstances, he thought it would be the safest and best way to send out the Resolutions as Resolutions agreed to by both Houses of Parliament, and that the Colonial Legislatures should be invited in a temperate and conciliatory tone to carry them into operation by such means as they best could. He would admit, that Government might have some good grounds of suspicion as to the sincerity of the Colonial Legislatures on the subject, and particularly that of Jamaica; but he had documents then before him which he thought gave a satisfactory proof—proof which was believed by those who best understood the subject in this country—that the colonies did intend to carry measures of this kind into effect themselves; but that if they had not originated any measure of the kind, it was because, that up to this time, no offer had been made to them of compensation for any losses which they were likely to sustain. In the instructions given to their agents who were sent over to this country to attend to their interests here, particularly as related to this question, they were directed to require compensation in proportion to the amount of slave labour of which they were to be deprived, and to the risk which they might incur from the change, and also to demand that the Government should pay the expense of any police regulations which it might think it necessary to adopt under the new circumstances which would arise in the colonies. But the Government had acceded to the principle of compensation, and had also agreed to pay the expense of the maintenance of an adequate police in the colonies; and the gentlemen, therefore, to whom he alluded were instructed to say that the colonies would assent. Another document to which he would refer, was the memorial of the West-India body, in which they stated, that there had been no refusal on the part of the West-India colonies, for that no offer had yet been made to them of compensation for the loss they were to sustain—that, so far from the colonies objecting, they would assent to the proposition of Government if a proper compensation were secured to them. They added the expression of their belief that the legislature of Jamaica would be ready to adopt the views of Government, and to carry them into effect in a better manner than they could be by any measure passed by Parliament; but they added, that they could not contemplate without alarm the passing of a law which was to be at once binding on all, rather than sending out the Resolutions with a request that they might be carried into effect by the local legislatures, and they earnestly recommended that Government should adopt the latter course as the most effectual way of having their own proposition carried into effect. In this he (the noble Duke) fully concurred, for he felt convinced, that if Government adopted the plan of carrying those Resolutions into operation by passing them into a law, they would degrade the Colonial Legislatures. He was anxious to impress it on the minds of their Lordships, that it would be impossible for those legislatures to continue to govern as they ought to do if it were once known in the colonies that this measure was forced upon them by the Government and the Parliament, instead of its being allowed to emanate from themselves. But, was it possible to think that the colonies would submit quietly to have a law of this kind forced upon them? The thing was impossible. It was in the nature of man to resist an attempt of that kind, and let him ask their Lordships what must be the inevitable consequence? There must be a contest, in which the Government and the troops would be on the one hand, and the white population on the other. Would the black population remain neuter in such a contest, or could it end in any other manner than in the destruction of the colonists themselves? There was no way of avoiding it except that of abandoning their property, and leaving all in the hands of the black population; but all this might be prevented if the Government consented to send out the Resolutions as they now were, using every conciliatory means to induce the colonies themselves to carry them into execution, and not to urge them on their adoption by force. He would suggest the sending out a commissioner or commissioners with as ample powers as might be necessary to arrange with the local authorities. Let it be recollected that it was no trifling matter to change a nation of slaves to that of freemen. There was an alteration which he would propose to their Lordships to make in the last Resolution, and that was by leaving out the words "upon liberal and comprehensive principles." He was desirous that when the negroes should be in a situation to choose their religious pastors, they should have the power to do so; but their Lordships must not conceal from themselves that society in the West Indies had reason to suspect, and, rightly or wrongly, did suspect, that certain missionaries had endeavoured to stir up the slaves to rise against their masters. He would not enter into any examination of the grounds upon which those suspicions rested—they might be unfounded—they might be not; but the fact was, that society in the West Indies was greatly disturbed by those suspicions. He entreated their Lordships to recollect the necessity of conciliating the feelings of West-Indian society successfully, if they wished to carry these Resolutions into effect without ill will and even without bloodshed. If such were the wishes and intentions of their Lordships, they must do all in their power to conciliate the West-Indian body; but they could not conciliate that body if they sent out to them this Resolution in the form in which it had come to their Lordships from the other House of Parliament; for this Resolution, as now worded, evidently contemplated the sending out a new band of missionaries to the West Indies; and could their Lordships suppose that the owners of property in those islands would willingly submit to such a measure? Desiring as he now did the success of these Resolutions, he implored their Lordships to strike out from the last Resolution the objectionable words to which he had called their attention. They were not inserted in the Resolution originally by his Majesty's Government; but they were adopted upon the recommendation of an hon. Gentleman in the other House of Parliament, for whom he entertained a very sincere respect, but whose amendment in this instance, was uncalled for, and if allowed to remain would be likely to lead to consequences which all their Lordships would lament. Under these circumstances, he would again implore their Lordships to expunge them from the Resolution. Having said thus much, he was unwilling to trespass further upon their attention; but seeing what had occurred in the United States and in St. Domingo, he could not help again expressing his opinion, that it would have been better to have postponed these measures for a few years longer, until the negroes had been instructed how to bear the change which the Legislature was now going to make in their condition.

Lord *Suffield* declared, that he was a little disappointed at his noble friend having taken so low a tone in recommending the alterations which would be effected by these Resolutions. He would not, however, quarrel with it, as he thought that his noble friend had shown sufficient grounds, both in point of expediency and in point of policy, for the important change which he proposed. It had been said in the course of the debate, that at present the slave was not fit for freedom. Be that as it might, he was sure that their Lordships would all agree that, whether fit for freedom or not, the slave was prepared to take it, if their Lordships were not prepared to give it. His intelligence had increased much of late years, in spite of the various obstacles which his master had created to prevent his attaining any intelligence; and it was now impossible to keep him from freedom; so that in giving him that which they could no longer withhold, Ministers had not only acted humanely, but wisely. There were two points to which he wished to call the particular attention of their Lordships, and those points were connected with the 3rd and 4th Resolutions. The third Resolution related to the apprenticeship of the slave for a certain term of years before he could obtain unconditional emancipation. Now, he was not going to complain of that as an injustice to the slave—he was not going into an examination of his abstract right to the full command of all his time; he was only looking at the impolicy of this Resolution in a practical point of view when he ventured to complain of it; for he had the success of this scheme greatly at heart, not only on account of the benefit which he believed it would confer upon the slave, but also on account of the benefit which he believed it would confer upon his master, and on account of the advantage which would accrue from the improved condition of both master and slave to the prosperity of the parent state. He had also another reason which was paramount to all these considerations. He looked upon this scheme as a great example, which, if it succeeded, would secure the extinction of slavery throughout the world. Here arose his objection to this system of apprenticeship; it was calculated to defeat the entire object which the Resolutions had in view. That it would undergo qualifications both in that and in the other House of Parliament he had not the slightest doubt. But he should be very glad to get rid of it altogether; or if that could not be accomplished, to fix the term of apprenticeship at the shortest possible period. He confessed he should wish to see the adoption of a proposition made by a Member of the other House of Parliament—namely, that only a part of the compensation-money should be paid to the planters in the first instance; and that the remainder should be withheld until the termination of all the apprenticeships. He was persuaded that these apprenticeships would not be found beneficial to the planters. The negro would be removed from fear of the lash, but would not have sufficient stimulus of another kind. His labour would be like that of parish labourers in this country, and their Lordships well knew how valueless that labour was. As had been elsewhere humorously stated, the twelve years' apprenticeship would be twelve years of holidays to compensate for former toils. Why, he would ask, was this system of apprenticeship introduced? He could not answer the why, but he could tell their Lordships when, it was introduced. It was introduced with another vicious proposition, that the slave should work out his own freedom. That proposition, thank God, had been got rid of, and he did not see why this proposition should now be considered necessary. One word now as to the Resolution granting compensation, or it might be relief, to the West-Indian proprietors. He would not quarrel with the amount of that compensation, provided, that it enabled their Lordships to accomplish the object which the people of England had in view—he meant complete emancipation. He was afraid, however, that the people of England would not think emancipation complete if the system of apprenticeship was persevered in; still, if they were desirous to make the West-Indian colonists this munificent grant to purchase their good-will to these Resolutions, he would not object to the large amount of the sum contained in this Resolution. He could not, however, refrain from stating, that in the way of loan, the expenditure of this sum would have been much better, and quite as effectual for the object in view. The noble Duke had adverted at some length to the proceedings of Colonial Legislatures with reference to the slaves; and had asserted, that from those proceedings the slaves derived much benefit. On that point he differed from the noble Duke *in toto*. He did not think that the colonists had legislated beneficially in any material degree for the slave population. On another point he entirely differed from the noble Duke. The noble Duke was of opinion, that when the negro was emancipated, he would not be found disposed to labour. Against that opinion he (Lord Suffield) appealed to the evidence taken before the Committee of both Houses of Parliament, by which it was established, that the free negro was universally found disposed to exert himself for an adequate object. Indeed, why should a negro differ from human kind generally in that respect? It had been proved by the evidence to which he adverted, that the emancipated slave did work most industriously for hire. He had read a great deal on the subject, and he had never met with a single instance in which it was stated that an emancipated slave refused to work for wages. The noble Duke had alluded to the case of Columbia. The state of the negro in Columbia, however, tended to support his objection to the system of apprenticeships; for the negroes in Columbia were not in a perfect state of freedom. It had been argued by the noble Duke, that by the Abolition of Slavery in our colonies, we should encourage the slave-trade in places not within his Majesty's dominions. He maintained the direct reverse. If we proceeded as we ought, we should show the world how much more cheaply sugar could be produced by free than by compulsory labour. If the policy on this subject which ought to be adopted were pursued by his Majesty's Government, he sincerely believed that the consumers of sugar in this country would, in a few years, be saved the 20,000,000*l.* of compensation, which it was proposed to grant to the West-India proprietors. When he recollected that it cost the inhabitants of this country a million and a-half annually to support the wretched system now existing, he sincerely believed, that by adopting a wise course of policy, by opening a free trade in sugar, and by other measures of a similar description, this country would in a short period be reimbursed the sum in question. One remark now upon the words to which the noble Duke had taken objection—to which the religious part of the public attached so much weight—and without which he was certain that they would never be satisfied. The words of that Resolution went a long way to reconcile the people of England to the enactments proposed in the other Resolutions. The liberal and comprehensive principles on which it was proposed to carry on religious instruction in our West-India colonies were points to which the people of England, and particularly the religious portion of them, attached great importance. He was unwilling, upon this occasion, to refer to the persecution of religious sects which had, he was sorry to say it, taken place in some of our colonies. To prevent irritation, he would abstain from it; but he abstained from it with difficulty when he heard the noble Duke making the false insinuation—of course he did not mean to apply these words to the noble Duke personally—that the missionaries were the instigators of the recent insurrections in the colonies. Were not the greatest pains taken by the colonists to make out that fact? The most unwarrantable measures were taken to prove it; and yet, upon the minutest investigation not a single fact was elicited to justify such a suspicion. He had now done: he had not gone into the abstract question of the right of one man to have property in another;—he had confined himself to replying to the observations of the noble Duke which he found on his notes. He concluded by expressing a sincere and cordial wish for the success of these Resolutions in both Houses of Parliament.

The Duke of *Wellington:* I beg leave to say, that I made no insinuations at all against the missionaries.

Lord *Suffield* begged pardon, but he had understood the noble Duke to say that some people in the colonies supposed the missionaries to have been the instigators of the late insurrections in the West Indies.

The Duke of *Wellington:* I said, that the missionaries were accused of such instigation in the colonies. I said, that I would not stay to inquire whether they were accused truly or falsely. I made no insinuation against them. I only spoke of the feeling existing in the colonies.

The Earl of *Harewood* thought, that at the present moment it would have been as well if the noble Baron, who was so prominent a member of the Anti-slavery Association, and who was himself objecting to that part of the Resolutions which established the system of apprenticeship, had abstained from using such language as that which he had used when he said that the slaves, if they could not get their freedom quietly, were prepared to take it. The noble Baron had likewise said, that the free negroes were on all occasions willing to work, and had referred, in proof of his assertions, to the reports of the Committees of both Houses. Now, he defied the noble Lord to point out a single instance in those reports in which it was stated that free negroes ever laboured at the cultivation of sugar; and, moreover, he challenged the noble Lord to point out a single case where, on that question being put, the answer was, that any such labour was known. As to free negroes engaging in other species of labour, it might be so; but with regard to sugar—

Lord *Suffield:* What says Admiral Fleming?

The Earl of *Harewood:* What! Does he say that he saw free negroes working at sugar? Does he say that?

Lord *Suffield:* Yes.

The Earl of *Harewood:* Not in the Report of our House, certainly?

Several Lords: In the evidence before the other House.

The Earl of *Harewood:* "I have only read the evidence taken before our House. If I am in error let it be so; but it was denied in our Committee in every instance. There may be that instance, but I am sure that there is no other." The noble Earl then said, that he would proceed to speak to the Resolutions. He complained of the treatment which the West-India body had experienced at the hands of Government. He said, that there had been no disposition shown on the part of Government to take any measures for the protection of their property. He was sorry to remark, that in consequence of the various pledges which had been given at different times on this subject, a mass of crude and undigested proceedings had been adopted by his Majesty's Government. Without reference either to the interests or to the safety of the colonies, and with reference only to the interest of the slaves, had this matter been conducted; and up to the very moment at which he was addressing their Lordships there had been no fair and direct communication made to the West-India body by the Government, relating either to the preservation or the destruction of their property. With regard to these Resolutions, all the information which they received was received at a very late period, and appeared contemporaneously in the public prints of the same evening. Since that time no distinct communication had been made to them on the part of Government, notwithstanding that their property in the West Indies, notwithstanding that their lives, notwithstanding that the best interests of this country, were all at stake. Up to this moment no distinct mode of proceeding had been adopted for communicating with the West-India body. He (the Earl of Harewood) had had opportunities of knowing the sentiments of that body, as well from his knowledge of individuals, as from the expressions of their opinions at public meetings; and he would then state, on his own responsibility, that there was no cause whatever for entertaining those suspicions which were indulged in by some noble Lords He could affirm, that they were disposed cordially to concur in the measures of Government for the amelioration of the condition of the slaves. He could assure the noble Earl that there existed among them a determined desire to carry the measures of Government into execution, because they were sensible that the mere agitation of this question had already produced a state of the utmost danger among that population. He thought that the case of the West-India authorities, under such circumstances, could not but be considered as somewhat hard; and he would ask any man of common understanding whether persons would be, or could be, or ought to be, content with such proceedings—namely, that the Parliament of Great Britain should suspend a law over the heads of the legislative bodies in the West-India colonies, and tell them that they might in the mean time enact what they (the Parliament of Great Britain) had enacted; but that otherwise the law would be carried into effect without their concurrence. He was aware that there were certain details which were to be left entirely to the Colonial Legislatures; but what was the effect of this arrangement? The Imperial Parliament was to enact the freedom of the negro; but was to leave to the Colonial Legislatures the odium of enacting the penalties and punishments which must be appointed in order to carry the plan into effect. He was sure, that it must be the wish of his Majesty's Ministers to uphold the authority of the Colonial Legislatures, and he would, therefore, implore them to take into their consideration the propriety of leaving the matter to these assemblies. He was persuaded that they were determined to meet these Resolutions with their best endeavours for the good of the slaves. He stated that from conviction; for he knew, that the West-India planters were convinced that society in these colonies could not possibly continue any longer in the state in which it was. Why, then, throw this stumbling-block in the way of the colonial assemblies, and compel them to do that which they were ready to do of their own free will? There was something to be said also respecting the mode in which the planter was to receive the compensation; but he did not insist further upon that; for he was happy to say, that no feeling existed in the minds of the West-India body, which would impede the carrying of the wishes of Government into full effect if the matter were left to them. If it were not left to them, it would create the greatest anxiety as to the stability of the British authorities in the islands. He, therefore, took this opportunity to suggest, in as strong terms as he could, that the West-India body felt that they had no interest which could induce them to act in opposition to the wishes of the British Parliament. He had used all the means in his power to bring them to that conclusion, and he had succeeded. He was sure they were now ready to act in conformity with the principles of these Resolutions, and to act with perfect good will and honesty. There existed no ill feeling among them upon the subject; and, therefore, that was another reason for wishing that the thing should be effected by the Colonial Legislatures themselves. This course was objected to in consequence of certain circumstances which had occurred in Jamaica; but these circumstances had reference to a different state of things which then existed in that colony. The circumstances which were applicable to the state of things then were not applicable to the state of things now; and, it was, therefore, unnecessary to refer to these circumstances in order to judge of the probable conduct of the Legislature in future.

Earl *Grey* said, that he did not intend to trouble their Lordships at any length upon this occasion; but he could not help offering them a few words, more particularly in consequence of the observations which had just fallen from the noble Earl opposite. He could assure their Lordships that there was not a man in the House who felt more strongly than he did all the importance, all the delicacy, and, he was even going to say, all the dangers which attended the settlement of this question. He could assure them that his Majesty's Government had applied themselves to it under the pressure of a strong necessity that was not to be avoided. How it happened that a necessity so strong as not to be avoided had happened, it was not for him on that occasion to inquire. Unhappily, those preparatory measures which every thinking man considered as necessary to be taken for the accomplishment of that conclusion at which all wished to arrive, and which all contemplated as the necessary consequence of the abolition of the slave trade, had not, he regretted to say it, been taken by the colonial assemblies. Those preparatory measures not having been taken, things came to their present condition in the West Indies and at home—in the West Indies from the state of uncertainty in which every thing was kept, at home from the pressure of public opinion, which became so cogent and irresistible, that, he stated it broadly and undisguisedly to their Lordships, the Government, whether that of the noble Duke or of those Ministers in whose hands it was now unworthily placed, must of necessity yield to it. Under these circumstances, Government had applied itself sedulously, as he had already stated, to the removal of the difficulties which environed the subject. And here he could not refrain from expressing his extreme surprise at the complaint made by the noble Earl respecting the hard manner in which the West-India body had been treated by Government. He could assert with confidence, that during all these discussions, in every measure which had ever been in contemplation, there had been the most sincere and anxious desire and the most unremitting exertion on the part of Government to conciliate the West-India body. The Government was willing to enter into the most unreserved communication with them; but that willingness was met on their part with nothing but difficulties, for he would not use a stronger term, and when Government asked them to indicate a measure which in their opinion was qualified to meet the necessity, of which they never denied and of which the noble Earl acknowledged the existence, they told the Government in the plainest terms that they had no proposal whatever to make. Government had all along sought, by the best lights which it could obtain, to settle this question; and, if the noble Duke would only look to its immense and multifarious difficulties, to the complication of matters involved in it, and to the multiplicity of interests intimately connected with it, he would find an excuse for the measures of different characters which had been proposed at different times, and for the conclusion to which the Government had come at last. This was the general course in all matters of difficulty which men undertook with a view to their settlement. They propose at first plans, which they afterwards find it necessary to abandon, and thus at last by long consideration they come to those which they think best calculated to carry them to the conclusion at which they are desirous to arrive. In answer to the complaint of the noble Earl that the West-India body had not been treated with common fairness by the Government, he would reply—first, that if the charge were true, it was contrary to the intention of the Government; and next, that if the noble Earl would look but calmly at past transactions, he would see that there was not the slightest foundation for the charge. But one article of the noble Earl's complaint was, that the very plan now detailed in the Resolutions of the House, was only proposed to the West-India body simultaneously with its appearance in the public prints. How that simultaneous publication took place he did not know. It was not made by authority of Government. As soon as the plan was arranged, it was forwarded to the West-India body, and that very evening it appeared, in a newspaper not in any way connected with the Government—not supporting it—a newspaper decidedly opposed to Government—he meant *The Standard*. How it was sent to that print he could not conjecture. Perhaps some of the noble Earl's friends would be better able to explain. But then, said the noble Earl, "if these Resolutions be sent out to the colonies, he would undertake that enactments would be made in the colonies in perfect good faith with the spirit of these Resolutions." He was unwilling, in reply to that observation, to say anything which was likely to create irritation, or to add to the existing difficulties of this subject; but he must frankly confess to their Lordships that he did not think that Parliament would perform its duty, if, having passed these Resolutions, it did not take effectual measures to secure their becoming law in the colonies. The noble Earl had also stated, though rather prematurely, the nature of the bill which was to be introduced to carry the details of the measure into execution. Did not that prove that there was no want of communication between the Government and the West-India body, of which the noble Earl was so distinguished a Member? Had not the noble Earl said enough to show, that he did not want information upon the subject?

The Earl of *Harewood* said, that he had not entered into any details, what he complained of was, that the nature of the measure was not earlier communicated to the West-Indian body.

Earl *Grey* would not press that part of his argument any farther. The noble Earl had, however, gone on to say, that our present mode of proceeding would be injurious to the legislative assemblies of the colonies, and would place them in difficulties which would aggravate all the other dangers of the subject. Now, how did the matter really stand? And what did the noble Earl advise the Government to do? The noble Earl recommended them to send out Resolutions on the subject to the Colonial Legislatures, and let them pass laws in conformity with those Resolutions. If they delayed passing such laws, the Imperial Parliament might then enact a measure to do that which the colonial legislatures refused to do. Now, in his (Earl Grey's) mind, this plan appeared to be obnoxious to all the objections which the noble Earl had stated to apply to the course adopted by Government. The noble Earl said, that the Government measure would leave all the grace and favour of abolishing slavery with the English Parliament, and all the odium of carrying the details into effect with the Colonial Legislatures. The same objection would equally apply to the mode of proceeding recommended by the noble Earl, because, if Resolutions were to be sent out from this country, and laws passed in conformity with them by the Colonial Legislatures, it could not be denied, that the conduct of the local assemblies would be regulated and controlled by the expression of the sentiments and determination of the British Parliament, while any odium which might attach to passing the laws must fall on the same body. In this respect, therefore, he saw no difference between the course pursued by the Government, and that pointed out by the noble Earl; but this peculiar advantage belonged to the plan of the Government over that of the noble Earl—that it provided by a general law enacting the outline of the plan of emancipation, and leaving the details to be filled up by the Local Legislatures, means for a more full, efficient, and convenient execution of the measure. He believed, that some such security as that provided by Government was necessary to satisfy the people of England, and was requisite to ensure the real and effective execution of the Government plan. He had already expressed his unwillingness to advert to subjects which had given occasion to reproach and dissatisfaction; but, after what had been stated by the noble Duke opposite, he must be allowed to say, that the conduct of the Legislatures of the colonies on this question, had not been such as inspired him with confidence that they would carry the measures of Government fairly into execution unless under the operation of some pressure. It was not without great surprise he heard it stated by the noble Duke, that, from the time of the passing of Mr. Canning's Resolutions in 1823, a continual course of improvement in the condition of the slaves had been going on by means of the enactments of the colonial assemblies, in conformity with the spirit of those Resolutions; that that improvement had been such as to meet the just expectations of the Parliament; and that all the Colonial Secretaries of State, from 1823 to 1830, had frequently expressed their satisfaction at the mode in which the legislative assemblies had complied with, what he must call, the injunctions of the British Parliament. Though he took no great share in the discussions which had arisen on this subject during the period he had mentioned, and therefore could not be justly exposed to the reproach which he had heard cast out, of having agitated the public mind on this question, yet he had some recollection of what had occurred, for he had always felt in it the deepest interest; and their Lordships would not think that surprising, if they bore in mind that one of the earliest measures which he supported after his introduction into Parliament, now nearly half a century ago, was a measure for the abolition of the slave trade. He had voted with Mr. Pitt and Mr. Fox for the accomplishment of that object—an object which, perhaps, the most powerful Minister that ever directed the affairs of this country in the zenith of his power had been unable to effect, and which was left to be accomplished by an administration of which he (Earl Grey) formed an unworthy member—he meant that of Mr. Fox and Lord Grenville. It was his lot, indeed, to introduce into the other House of Parliament, the Bill which finally abolished the slave trade; and he certainly felt a pride and satisfaction in having, as a member of that administration and as an individual, lent his humble efforts to carry into effect the ultimate abolition of that odious traffic. It could, therefore, not be surprising, that, on the subject which their Lordships were now called on to consider, he should feel a deep interest. He had ever regarded the part he had taken in the abolition of the slave trade with satisfaction and pride, and he looked forward with similar feelings to the success of the measure for the abolition of slavery, to which, both as a man and a Minister, he had lent his humble assistance. But, to revert to the course pursued by Mr. Canning, and the conduct of the Colonial Legislatures, he must observe, that so late as 1826 and 1827, that Minister complained of the Colonial Legislatures having done nothing to advance the objects to which the faith of Parliament was pledged; and he went so far as to say, that he would try them for one or two years longer, but that if, at the end of that period, something was not done by them, it would be the imperative duty of Parliament to interfere. But he was surprised to hear the noble Duke say, that something had been done since that time, when he recollected that no longer ago than the year 1830, a few months before the termination of the noble Duke's Administration, Sir Robert Peel admitted in the House of Commons, on a Motion brought forward by his noble and learned friend on the Woolsack, that, far from the condition of the negroes having advanced in a constant course of improvement in consequence of the acts of the Colonial Legislatures, the Colonial Legislatures had a disinclination to improve the condition of their slaves. The right hon. Gentleman then used these remarkable words: 'He hoped 'that there would be no pretext furnished 'to their (the Local Legislatures), over 'anxiety for their own interests by the 'forcible interference of the Legislature at 'home to attempt to prolong the dependence of their slaves, and that the 'West-Indian Legislatures would set about 'in good earnest improving the condition 'of the negroes, in order to prepare them 'for the reception of more important concessions hereafter; thus warding off in 'time the dangers which were possibly 'to be anticipated from that interference 'of which they were so apprehensive, but 'for which nothing but their own disinclination to attempt the improvement 'of their slave population could furnish 'Parliament with a motive, or their enemies with a pretext.'* In point of fact, then, it appeared that in 1830 nothing had been done, and therefore he was greatly surprised to hear the enumeration of laws read by the noble Duke as in operation in the West-Indies. When he heard the statement of the noble Duke, he supposed that those laws were universal enactments, in force in all the colonies; but he understood that the law relating to compulsory manumissions, on which the noble Duke seemed to lay some stress, did not prevail in a single West-Indian colony, and was only in force, under certain restrictions in, the Bahama Islands. The fact was, a constant unwillingness had been shown on the part of the Local Legislatures, in spite of expostulations, remonstrances, and even the entreaties, of every succeeding Administration, to do that which Mr. Canning's Resolutions, sanctioned by the unanimous vote of both Houses of Parliament, required. It had been truly stated in another place, that nothing was more outrageous to the feelings of the people of this country, than subjecting females to the degradation of capital punishment. Had this disgraceful mode of punishment been abolished in the colonies? Mr. Canning had advised its abolition, and a division took place on the question in the legislative assembly of Jamaica, when there appeared twenty-five members for the continuance of female flogging, and three against it. He was not disposed to deny that some measures of inferior consequence, but improvements, as far as they went, had been adopted by the Colonial Legislatures; yet nothing effectual had been done towards carrying into effect the objects so much desired by the people and Parliament of this country. This was the complaint made by Mr. Huskisson; and every Secretary of State, not excepting Sir George Murray (who had himself sent out two circular letters on the subject), had been under the necessity of addressing strong remonstrances to the colonial assemblies in consequence of their neglect of the measures recommended for their adoption by Mr. Canning's Resolutions. This being the state of the case, it appeared to the Government, looking at the question with reference both to time and circumstances, that they could take no other course but one having in view the establishment of complete emancipation. He, for one, should have been most glad to have seen that object gradually accomplished by means of those preparatory measures which the noble Duke said had been in a constant course of execution. The noble Duke said, that it had always been understood, that the negroes were to be prepared for freedom by preparatory measures, to be carried into execution by the legislative assemblies. The noble Duke went on to say, that these measures had been taken; but what was his conclusion? Not that the slaves had arrived at that state in consequence of those preparatory measures which Parliament had always contemplated, but that they were as far from it as ever, and that emancipation was not to be thought of. This, though he did not quote the exact words, was the tenor of the noble Duke's argument. With respect to the measure under the consideration of the House, he begged to say, that his Majesty's Ministers had endeavoured, as well as they were able, to meet a necessity which they could not avoid, and in proposing the plan of emancipation, their object had been to make it equitable and just to those whose property would be affected by it, and to carry it into execution in such a manner as, in the words of the Resolution, "might combine the welfare of the negroes with the interests of the proprietors." He confessed he could not contemplate, without some degree of apprehension, the possible danger which might arise from setting the slaves free at once; and it was therefore considered by his Majesty's Government, that a progressive plan, combining a preparatory state of restricted labour with a certain degree of free labour, to end in ultimate manumission, was the safest course to be pursued. This was the ground on which the plan of apprenticeship was proposed by his Majesty's Government; the slaves being allowed a portion of the day to labour for themselves, and at the expiration of a certain number of years being completely manumitted; and in his opinion the continuation of a certain degree of compulsory labour was necessary, in order to habituate the slaves to habits of industry. Whether the plan would be successful it was not his province to say, but he thought that hopes of its success might fairly be entertained if the Colonial Legislatures and the West-India proprietors would only co-operate with Government to carry it into effect. Under all the circumstances of the case, he really thought that the only plan which promised effectually to secure the ultimate object of complete freedom—the extinction of slavery in all parts of his Majesty's dominions, had been pursued by the Government. The noble Duke had stated, that the extinction of slavery was never contemplated at the time of the abolition of the slave-trade. But he knew, that when it was urged to Mr. Fox that without the extinction of slavery he would do little by the abolition of the slave trade, Mr. Fox replied, that he would abolish the slave trade, because he had the power to do so; but he (Mr. Fox) looked as Mr. Pitt, and Lord Grenville had always looked to the ultimate extinction of slavery as the necessary consequence of the extinction of the slave-trade. He certainly had hoped that the necessity of the case would have produced such a change in the condition of the negroes of the West-Indies as would have made the extinction of slavery the natural and necessary consequence of the abolition of the slave trade. Such a change as this it had not effected, but it had produced a considerable change in their condition, and things had arrived at that state in which, as his noble friend had truly said, if the negroes were not fit for freedom, they were no longer fit for slavery. He had stated the general principles of that propose dmeasure, the details of which would more properly be discussed when the Bill itself was introduced; and he would now say a word with respect to compensation. He admitted, that the sum proposed by Government was a large one, but he agreed with his noble friend near him in thinking, that if the British Parliament should deem it right to abolish slavery, the interests of those individuals who possessed property in slaves ought to be considered; and that if their Lordships were pleased to enact this great measure of necessary benevolence, they ought not to do so entirely at the expense of the planters. The Ministers had therefore considered it but just to propose something in the shape of compensation. Whether the sum were too large or too small he would not pretend to decide; but this he would say, that if the proposed grant should have the effect of safely accomplishing the abolition of slavery, so hateful to every Englishman, it would be money well laid out; and he was sure, that the British public, burthened as they were, would not grudge the sum. The people of this country had been called on for even larger sums to support the honour and interest of the nation, and Parliament had not hesitated cheerfully to grant them: but that honour and that interest were to be supported by means which left much to regret; and even when the people were exulting in all the glory and successes produced by that expenditure, their joy was always damped by this heart-rending consideration, that great misery and affliction had attended those successes. If it was necessary to resist foreign encroachment, to defend the honour and interest of the country by war, was it less necessary to uphold the honour and the character of the country by abolishing from every portion of the British dominions the odious condition of slavery, so abhorrent to the principles of the Constitution, as well as to the breast of every Englishman? He for one, entertaining as he did a hope that this great measure would be successful, did not grudge the payment of even 20,000,000*l.* The noble Duke wished to know by what rule the amount of compensation had been fixed. It was based on an estimate of the value of the entire number of the slaves, which was calculated at 30,000,000*l.* One-fourth of the slave's time which was the planter's property was to be immediately taken from the proprietors, and ultimately the whole of it, and according to the best calculations which Ministers had been able to make, they thought that 20,000,000*l.* would be a fair compensation to the proprietors for all the losses and injury to which they might be subjected by the adoption of the Government plan. While on this subject, he begged to inform the noble Duke that it was the intention of Government to propose compensation to the owners of every description of slaves. The noble Duke had objected to certain words in one of the resolutions, which he had truly stated did not appear in them when they were originally proposed by Government, but had been introduced on the Motion of a most respectable Member of the other House of Parliament. Though he (Earl

---

* Hansard (new series) xxv. p. 1210.

Grey) did not think those words at all necessary, and although he might lament the introduction of them, since it had occasioned some objection to the Resolution, yet having been introduced, their Lordships could not fail to see the bad effect of expunging them, and he therefore trusted that the noble Duke would not press his Amendment. He did not think it necessary to trouble their Lordships longer, since they would have another opportunity of arguing this question when the Bill, founded on the Resolutions, should be brought in, and as no objection was, he believed to be offered to the present Resolutions, for the noble Duke, as he understood, notwithstanding his confident predictions of the almost certain ruin which would follow the proposed measure, had concluded by saying, that he would give no opposition to the Resolution, but on the contrary, would do his best to procure the ultimate success of the measure of which they were the forerunners. He certainly looked to the results of the measure with some degree of anxiety, but he also anticipated, with a strong hope, having in it some degree of confidence, that this measure would tend not only to the welfare of those unhappy persons so long in the miserable state of slavery, but also to the prosperity of the colonies, to which the emancipation of the negroes had been by some supposed to be prejudicial. At all events, the plan proposed by Government was the only one which they thought they could adopt under all the difficulties of the case, and under the pressure of a necessity which they could no longer avoid.

The Duke of *Wellington*, explained that he said, that though the colonial Legislatures had not done all that could be desired, they had done much to improve the condition of the slaves, and had received the approbation of the Home Government for their acts. The noble Duke read some extracts from various despatches sent out in 1827 and 1828, conveying the thanks of the King to several colonial assemblies, for their endeavours to improve the condition of the slave population.

Earl *Grey* said, that nothing which had been read by the noble Duke applied to Jamaica. The fact was, that no general measure for the improvement of the slaves had been adopted in the colonies.

Lord *Ellenborough* thought the course taken by the noble Lords opposite of quoting every expression of censure which had been issued by the different Secretaries for the Colonies against the conduct of the Colonial Legislatures was, at a moment like the present, to say the least of it, exceedingly injudicious. The attempt ought to be to conciliate, and not to irritate; to leave untouched past disagreements, and not to excite by the revival of them present opposition. After the able speech of his noble friend (the Duke of Wellington), in which every topic of importance had been clearly touched upon, it would be unnecessary for him to detain their Lordships at any length. He must, however, trespass on their attention while he stated his own particular feelings on the question, and the more so because he could not concur with his noble friend (the Duke of Wellington), in sanctioning the Resolution under consideration. He could have wished that the noble Earl had gone more fully into the question of 20,000,000*l.* of compensation. He had hoped to have heard from the noble Earl not only a general exposition of the objects to which those 20,000,000*l.* were to be applied, but also of the manner in which they were to be raised. He had hoped to have heard from the noble Earl something more than a mere general vague expression of belief that the people of England would not object to such a sacrifice for such a purpose. He was ready to admit, that if the people of this country could be presented with a plan which at once gave freedom to the slaves and security to the manufactures, the commerce, and the shipping interested in the prosperity of the slave colonies, they would not show repugnance to make even the enormous sacrifice that was now demanded from them. He doubted, however, or rather he was convinced, that the people of this country neither desired nor were willing to add so greatly to their burthens for the purpose of indulging in a rash and dangerous experiment. The 20,000,000*l.* were not required for success but for experiment, and even the noble Earl, by whose Administration the experiment was proposed, ventured only to say that he entertained faint hopes [Earl *Grey* said, confident hopes]. He was glad to find, that so far he had misheard the noble Earl; but even adopting the language chosen by the noble Earl, it consisted still of hopes, and hopes only. The noble Earl had spoken in strong censure of the conduct of the Legislature of Jamaica. He thought such censure was dealing out too hard a measure to that colony. Would it not better become their Lordships to treat more leniently the proceedings of those who were called upon to act in the midst of danger? To legislate in calm and in security was surely far different from having to act in the midst of threatened destruction. But the fact was, that the Legislature of Jamaica had done much while that Colony was under the government of his noble friend near him (the Earl of Belmore). Vast and numerous ameliorations had been effected in its laws. The noble Earl who had been so successful in administering the government of that colony had triumphed by adopting a very different line of proceeding from that which had occasioned such determined opposition to his successor. Through kindly conciliation and reasonable well judged firmness, his noble friend had succeeded in procuring the adoption of almost every measure he was instructed to advocate. During his administration the free people of colour were placed by the Colonial Legislature precisely on the same footing as the whites. Slave evidence was admitted in criminal cases, and other most important ameliorations were effected. Let it not then be said, that the Legislature of Jamaica had done nothing but through coercion. When the Resolutions adopted in 1823 were proposed to their Lordships he was the only Peer who took an exception to them. At the time they were proposed he asked his noble friend then at the head of the Colonies (Earl Bathurst) what was the next step he proposed to take if these Resolutions should fail? His noble friend could give him no answer, and it was because he foresaw that if these Resolutions did fail they must of necessity lead to further difficulties, that he opposed them. The present aspect of affairs showed him that he had been right. Sure he was that, if in 1823 the Resolutions proposed for 1833 could have been anticipated, the former would have found in either House of Parliament but few supporters. He dissented from the Resolutions now under consideration, not because he had not emancipation as deeply at heart as any man, but because he apprehended almost to conviction that they must lead to a yet more dangerous step. The noble Lords opposite had said, that the measure was forced upon them, that the necessities of the case demanded they should deal with it, and effectually, for the slaves were no longer fit for slavery, though they were not yet in a state advanced enough for emancipation. Why, would any man in his senses say, that that was a reason for a departure from the principles laid down in 1823? Could any person read the Resolutions of 1823 and not at once see, that they anticipated as absolutely necessary a series of changes in the condition of the slaves preparatory to emancipation, and that in these changes there must be a moment of peculiar difficulty? The present condition of the slaves, if rightly stated by the noble Lord, was the best answer possible to all the allegations they had made against the conduct of the Colonial Legislatures. It proved, that the slaves had made a considerable progress, and that they had so far advanced, that their improvement must go on. Their present condition then was looked for by the Resolutions of 1823, and it had been effected, not by violence and offensive interference with the Colonial Legislatures, but through the reasonable and beneficent measures which they had adopted in concurrence with the spirit of these Resolutions. He opposed the present Resolutions because they were not in accordance with the spirit of the Resolutions in 1823, and because they were in opposition to the Resolutions proposed by the present Government in 1831. In that year Mr. Buxton proposed a Resolution calling for immediate emancipation. That Resolution was opposed by the Government on the ground, that the slaves were not fit for immediate emancipation; and the reason given for that statement was, that their condition was precisely the same as in 1823. He then adhered to the opinions thus put forward by the Government, and, in doing so, he was not the party who had to account for any inconsistency it might involve. But the Government having told the country in 1831, that the slave was not fitted to be emancipated forthwith, why did it now propose this sudden and entire breaking up of the system? Oh, said the noble Lords, this plan is proposed in obedience to the determined and loudly expressed wishes of the country? He admitted that the people of England took a deep and earnest interest in the question; further, that whatever men might have been in power, they would have found it absolutely necessary to have provided some measure upon the subject; but the people of England wanted not revolution and ruin in the colonies, but the gradual, safe, and happy deliverance of their fellow-subjects from a state of slavery and their restoration to one of freedom. They wished to see the negroes converted into free men, working honestly, diligently, and happily, under equal laws. But they had never imagined that the commerce, the manufactures, and the navigation of this country, were, to a large extent, to be endangered in any mere attempt to effect the transition, and still less did they imagine that, in addition to all the other weighty losses, the country was to be burthened with a new twenty millions of debt. That idea had never for a moment occurred to the people at large. They had been continually told, on the contrary, that the change would be beneficial, both in a pecuniary and in a moral point of view; and as the contrary was now admitted to be the fact, as it was shown in the Resolutions before their Lordships that the pecuniary sacrifice must be enormous, surely it was the duty of those who, by the accident of birth or by the election of their fellow-subjects, sat in either House of Parliament, to point out to the community at large the great difficulties with which the question was beset, and to expostulate with them with a view to protecting their own interests rather than yield to their demands. He admitted to the full, the respect due to the people of England, but that legislator he thought would now mark the greatest respect for the people, who, finding them unacquainted with all the bearings of the question, laid before them his own information and experience in preference to at once and blindly adopting their wishes. But the measure was thrust upon his Majesty's Government by the people of England. Were his Majesty's Government afraid of the House of Commons? If so it was an absurd fear; for of all the Houses of Commons that had yet existed, there never had been one which had reposed a greater confidence in Ministers. When his Majesty's Government proposed a measure of coercion towards Ireland, severe beyond precedent, concentrating, in fact, in one Act all the severities of all former measures, did not the House of Commons adopt it? For doing so he blamed not the House of Commons, but he said it gave a remarkable instance of its confidence in the Government. On another occasion, when it might have been supposed that the voice of the great body of the constituency would have been rigidly obeyed by the Representatives, he meant in the case of the Malt-tax, did not the House of Commons one night decide for the repeal of that tax, and in a night or two after, on the *dictum* of the Government, declare that it should be continued? Further upon this very question, had the House of Commons shown any want of confidence in his Majesty's Government? The first proposition was for a loan of fifteen millions. That proposition was at once converted, and without argument or explanation, into a gift of twenty millions; and yet the House of Commons said ay to both propositions. One would have thought that if there had been any thing like a want of confidence, it would have shown itself on such an occasion. Surely it might have been asked, how was it that the Government having matured a measure, thought a loan of fifteen millions only necessary, and the next day required a gift of twenty millions? It was therefore idle to talk of fears as to the conduct of the House of Commons. If his Majesty's Government had stated to that assembly all the consequences of this experiment, and all the dangers with which it was beset, and proposed instead of it some safe and rational measure consistent with the spirit of the Resolution of 1823, the House of Commons would not have been forced to withdraw its confidence from the Government, nor would the country have shown any aversion to such conduct, but would have received it with satisfaction. The consequence would have been, instead of standing in the dangerous position their Lordships then occupied, the people would have had the gratification of seeing their dearest hopes marching on to maturity in safety and in prosperity, and the colonies would have promised new fields for the employment of British manufactures, British commerce, and British shipping. But the noble Lords complained of the difficulties which they had to encounter. Had not they themselves created many of those difficulties? Did they not recollect the Resolutions of the 15th of April 1831— the threat of imposing duties? And did they not recollect that they had acted upon this, which had never been confirmed by Parliament, and a threat which was so imprudent that it ought never to have been uttered? He would ask, did not these imprudent speeches lead to great alarm, and, he would admit, to great intemperance also? And was it not this which had made the Colonial Legislatures assume a tone which otherwise they never would have done? Again, had they forgotten the Orders in Council of November, which were so extraordinary and so extravagant in many of their provisions, as to excite general ridicule and derision? It was to these measures that many of the present difficulties were to be attributed, and further also to the language which had been used, not by the noble Lord then at the head of the Colonies, but by some of the acknowledged supporters of the Government. It must be remembered by their Lordships that the language used in another place in support of the Orders in Council, under the Resolution, had been declared upon the best possible authority to have produced uneasiness and irritation, if not dismay, in the island of Jamaica. But the noble Earl (Earl Ripon) had thought proper to send forth his Order in Council, with all its weaknesses and all its absurdities, and the result was, that it had been repudiated by every colony, without exception. His opinion was, that by such conduct the Government had thrown the measure back. He sincerely believed, that when the present Government first entered office, it would have been easier to have secured the cordial co-operation of the colonies, than at the present moment. His noble friend near him (the Earl of Harewood) had calmly stated the new ground of objection given to the Colonial Legislatures. It was a serious one, and he trusted early means would be taken to remove it. He dreaded the first step in this attempt to legislate for independent Legislatures. It was indeed an experiment, and an alarming one; and he did conjure the Government at any rate to let the strict principle only be pointed out, and to leave the details entirely to the Colonial Legislatures. Such a proceeding, indeed, must seem absolutely necessary, for what might be suitable to one colony might be injurious to another. The principle to be worked out, then, ought to be laid down as clearly as they pleased, but the mode of carrying of it into effect ought to be left to the different colonies themselves. For instance, might not some of the Colonial Legislatures think, as many people in this country thought, that the plan of the noble Earl (Ripon) was superior to the plan now proposed? And could they be blamed for so thinking? Had not that plan been deliberately adopted by the Government, though the Government had subsequently discarded it for a scheme of a fortnight's concoction? He could not but again refer to the 20,000,000*l.* that were to be given for compensation. The plan might satisfy the Government; it might compensate the West-India proprietors; but what was to compensate the people of England? It was true that at the present moment 20,000,000*l.* alone would appear to the bulk of the people as their only loss; but it was the duty of the Legislature to look further, and to weigh well what was to compensate the country for the immense injury its commerce, its manufactures, and its navigation would sustain. The good resulting from the measure was a matter of speculation; the evil was defined, positive, and immense. Some notion might be formed of the opinions the Government entertained from the fact of their own proposition. The country had been told year after year by the very men who now proposed 20,000,000*l.* as compensation to the West-India proprietors, that the proper and only way to relieve the West-India interest was by lowering the duties on sugar. Why was that measure not had recourse to now? The answer was plain, because the Government apprehended the cultivation of sugar would be impeded, if not destroyed. He could have wished the Legislature to have acted in a reasonable and wise way. He wished to see slavery gradually abolished, and to see freedom extended, not by ruin and convulsion, but by systematic and sure amelioration of the present system. Such a course would have been beneficial to all parties. It would have given to the slave freedom and a happy home—to this country an extended field for its productions, and a more enlightened and more happy empire. He knew very well that a mere reduction of the duties on sugar would not give to all parties in the West Indies relief. There were many there who would not be benefited by such a measure, but those were exceptions that might easily be dealt with. Such a plan, however, had been only talked of, and now when the time for action was arrived an entirely different system was to be pursued, the sum of 20,000,000*l.* were to be given. How, he asked, were these

20,000,000*l.* to be raised, and how were they to be repaid, and the interest upon them provided for? Although the Government must have been aware of the great expenses they were about to incur, they had thrown away all the surplus of revenue which might have assisted to meet them. The expenses of stipendiary Magistrates and policé, and schools, now proposed, would be enormous, yet the necessary funds were thrown away in the reduction of duties, which the public did not care for, and instead of the House-tax, which might have been put an end to. Yet those duties were thrown away, and 20,000,000*l.* were to be given, and should we have a bad harvest, the additional loss would be also great. Our difficulty was at present a financial one, and yet could any one say, that fresh duties to the amount of 1,300,000*l.* or 1,400,000*l.* could be laid on without exciting the hostility of the people? The noble Lords opposite knew, that this must be the result; and even could they succeed, by any majority however large, in voting such sums, yet they could not do so without raising feelings in the people perhaps attended with the utmost danger. Could any man look at the condition of the country and persuade himself that for a mere experiment the people now suffering under the pressure of taxation would be content to submit to new taxation? The feeling against taxation was strong to overflowing, and would it ebb merely because an experiment was to be made in favour of what—of commerce? No. Of manufacture? No. Of navigation? No; but in favour of humanity. It was no such thing. Even if the measure was successful it would lead to the perpetration of blacker horrors than had ever been known in the British Colonies. It would give rise to an increase of the slave trade; and instead of being a measure of general humanity, it would increase the sum of human misery. They might, indeed, say that this country had washed its hands of the crime; that the gift was not England's; but such a boast would be idle, and would be groundless; for if they adopted measures which led in reason to pernicious results, for those results they were answerable. Let him state it plainly—of all the misery which might ensue, England would be the guilty cause. But then it was said, that there was a great loss of life from the cultivation of sugar, but if Mr. Irving's calculations were looked to, it would be seen that the loss of life was not owing to the sugar cultivation, and was not owing either to excessive labour, to deficiency of food, or to severity of treatment. Humanity, therefore, did not call for the measure. But what was that measure upon the very face of it? What would be its very first effects? Its proposers declared that the slaves were not fit for freedom; and what, therefore, must be the consequence of this crude and ill-digested scheme? It would leave infancy unprotected, maturity without a guide and abandoned to debauchery and to vice, and age without a shelter and without refuge. What was the present state of the negroes? The child was reared and protected, the adult was provided for, and the aged had a sure and safe resting-place. They were as a body well governed, well protected, and happy in their station. Such being his views, it was utterly impossible for him to vote the resolutions, excepting the last. He was perfectly ready to make considerable sacrifices for the improvement of the negroes. He was desirous that they should have a moral and religious education; he was willing to establish stipendiary Magistrates and police; for Mr. Buxton, who had been last year examined before their Lordships' Committee, had declared, that the establishment of such a Magistracy was absolutely necessary before the emancipation of the slaves. He was desirous that all possible steps should be taken to prepare for their deliverance from their present bondage; but beyond that he could not consent to go. In adopting such measures, he should be acting in accordance with the resolutions of 1823; and to their spirit it was but wise and reasonable to adhere. In the measure now proposed, he saw certain present loss, and but faint prospects of any future good. He did not believe, that it would be either satisfactory or beneficial to the colonists, while he was sure it would be costly and injurious to England. It would burthen her with a heavy tax, and destroy much of her commerce and shipping. Taking reason for his guide, he could come to no other conclusion than the one he had stated, and he must oppose the Resolutions.

The *Lord Chancellor* said, he wished to make a very few remarks in consequence of the extraordinary speech delivered by the noble Baron. He did not say extraordinary in reference to the talent displayed in it, for it displayed that degree of talent for which the speeches of the noble Baron were always noted—he only meant, that it was extraordinary from the startling conclusion to which the noble Baron had come—a conclusion such as he (Lord Brougham) had never heard arrived at either in that House or anywhere else. It was startling from the contradictions which the noble Baron had made in the course of it, and from the nimbleness with which he sprung from one assertion to another, and from one misapprehension to another, as the noble Baron successively brought them forward and escaped, when corrected by the noble Earl. It was startling, too, from the interpretation he had put upon some persons and things, and the eulogies heaped with equal liberality upon others. The first panegyric made by the noble Baron to which he would allude, was that upon slavery, and certainly it astonished him more than all the rest. He certainly agreed with the noble Baron, that this was not a time to introduce topics into the debate which might impede the great work in progress, and that it would be desirable to obtain as much co-operation in that work, not only on this side of the water, but in the West-Indies, in carrying it into effect, as possible; and he would, therefore, abstain, however violent his inclination might be, and although invited and almost dragged into it by the noble Baron, he would abstain from discussing the conduct of the local Legislature. He would also abstain from entering into any unnecessary ground of controversy, but he certainly did not expect, in the year 1833, to hear freedom and slavery contrasted as they had been that evening by the noble Baron. The noble Baron had drawn the picture of freedom as a state of unprovided infancy, comfortless manhood, and destitute old age; and slavery as a state in which the slave enjoyed comfort in infancy, comfort in manhood, and comfort in old age. Such was the contrast which he drew between a state of freedom and slavery. Good God! was it in that House and in England that such a character should be given of a state of freedom and of a state of slavery? And did the noble Baron think to draw their Lordships to join him in support of slavery by the panegyric he drew of it?—a state which it would be unnecessary for him to describe, because all knew and all felt how different it must be from the description given by the noble Baron. The noble Baron had said, that he alone had, in 1825, opposed the Resolutions of 1823, and he stated, that he had done so because he had seen that the present measure was the inevitable consequence of those Resolutions, and that if they were passed, they could not help going on in the same course till they at last arrived at a measure like the present. Now he (the Lord Chancellor), instead of thinking that the noble Lord should be opposed to the present measure on that account, claimed his support. For though he might be quite consistent in opposing the present measure, if the Resolutions of 1823, which, according to him, led to the present measure, had not been adopted at all, yet those Resolutions having been adopted by both Houses of the Legislature, led, no doubt, to the present result, and the consequence was, as foreboded by the noble Lord, that they now must go further, for they could not stop. He would ask, if they ought to stop now, after the interval which had elapsed?—an interval in which so little had been done towards the improvement of the slaves in consequence of that pertinacity on the part of the colonists themselves —a pertinacity which he would not then wait to inquire whether blamable or not, but the consequences of which they had frequently been warned of, and for which they had been everything but denounced. The colonists could, therefore, not say, that they were unprepared for this measure, or that the Government had been hasty towards them. The noble Baron had said, that they were not told how the twenty millions were to be raised. It could not be expected that the financial part of the measure, which that was, should be laid before their Lordships until after it had been laid before the other House. And, as far as he understood, although the general features had been stated in the other House, none of the details had been entered into, and nothing had been said of the manner of raising the twenty millions. The noble Baron would likewise observe, that by the Resolutions the sum to be raised was not absolutely twenty-millions, but a sum not exceeding twenty millions. So that the sum might not, perhaps, amount to 20,000,000*l*. The noble Baron had also said, that it was too much to venture upon an experiment on the result of which, the noble Earl at the head of the Government had only a faint hope, while his noble friend had really described his hope as one "almost amounting to confidence." The noble Baron, however, finding himself corrected, had said, that he was of a different opinion; that, far from being sanguine, he had no confidence in the result. The noble Lord was right to argue thus, if such was his belief; but sure he was, that the noble Baron, as well as himself, was of opinion, that if the miserable state of slavery were put an end to, it would be better, not only for the character, but for the interests, of the nation. The gloomy anticipations indulged in by the noble Baron and the noble Duke (of Wellington), on the ground that the slaves when set at liberty would not work, did not, in his opinion, rest upon a good foundation. It was well known at present, that the free negroes constantly laboured in some kinds of work, and in several islands there was proof of these free blacks working, and submitting to as good regulations, and being as industrious, as if they had never been under the lash, or enjoyed the benefit of slavery. But it had been said, that this was not the case in sugar plantations. In answer to that assertion, he would bring the evidence of a gallant officer, whose testimony was most deserving of attention, and who had made most accurate observations on the state of our colonies—he meant Admiral Fleming. That gallant Officer, had gone more habitually and systematically into the inquiry than most naval officers had the opportunity of doing. And in his evidence regarding Cuba and Colombia, he stated, that sugar to a great extent was cultivated in those colonies by the labour of free negroes. But they had this fact besides, which showed that negroes would work. The Dutch of Guiana, not only at present, but half a century ago, uniformly preferred to give their slaves task work, to the system ordinarily followed in our colonies, and by a calculation they ascertained that that system was more profitable to the master than working the slaves in the ordinary manner. Could there be a stronger proof that other means than the degrading lash might be found to insure the negro to labour, not only as much, but even more, than he does at present for his master? And he would ask if there was anything in the nature of sugar which would prevent the negro from labouring in its cultivation, as well as in the cultivation of cotton, coffee, or gardens, in all of which they had been found, not only willing, but anxious, to work for wages? The negro might at present be averse to the cultivation of sugar, from the recollection that it was the most painful and irksome of his present labour, but that was only a question of expense. A little more wages would induce him to work at the sugar plantation as well as at coffee or cotton. He recollected a story told of a planter in the Caraccas, who had a plantation, one-half of which he cultivated by the labour of slaves, and the other half by the labour of free labourers. That planter declared, that the labour of the free negroes was cheapest and most profitable to him. Then the whole question was a matter of expense—of wages, and that could easily be arranged. He might in reply, to this, be referred to St. Domingo; but if he were, he would mention the Caraccas, where the planter he had just mentioned cultivated his sugar half by slaves and half by free negroes, and this proprietor found in the long run, that the produce by free labourers was the cheapest. He thought it right to say thus much, before he proceeded to answer what had been said by the noble Duke (Wellington) of the loss which must accrue from the cessation of sugar cultivation. He, in the first place, could not agree that there would be this cessation; but suppose it were so, and that the sugar cultivation would be diminished to a certain extent, for there was nobody wild enough to suppose that it would totally end; then take twelve years as the maximum, during which negroes were to give compulsory labour—though he hoped it would not be near so long; but suppose that in that space of time, the sugar cultivation were diminished one-fourth, or even a third—well, then, the revenue from that would not be paid by the planter nor the merchant, but by the consumer, who was the party to pay all. It might be also asked—but where is that sugar to come from? There might be an increase of production in some of the other sugar colonies; but this would have nothing to do with the slave trade; but of course this increase, although probable, was not to be reckoned upon positively. However, if this were not likely to take place, why was there a protecting duty of 8*s*. per cwt. upon slave sugar? The people of England paid, if his noble friend's calculations were correct, 1,600,000*l*. annually for this protection to slave sugar;

but, at all events, they paid more in this way than any defalcation resulting from the present measure would amount to. He was, unfortunately, old enough to recollect the discussions on the question of the slave trade abolition, and there were quite as many gloomy anticipations upon that account as there existed at present from the projected negro emancipation. They were then, as now, told, "Look to so many thousand tons of shipping; look to so many thousands of seamen engaged in navigating the worst coast in the world for disease, and therefore calculated to be the best nursery for the navy; and look to the effect that the stopping of this traffic will have on your trade." No doubt this traffic was then a favourite, as the colonies now were with one part of the Legislature; it was also, as slavery now is, eulogized; but, nevertheless, he had lived to see an end put to it by that Government of which his noble friend (Earl Grey) was at the time the head in the House of Commons; and not merely was it put an end to by the Government, but by the friends of humanity throughout the country, led by that venerable advocate of all that was good, Mr. Wilberforce, who, he was glad, had lived to see the present day, as well as the time, when the justice and feeling of the people of England were roused and put an end to that traffic which, as he had said, suffered its termination through the undoubted instrumentality of his noble friend now at the head of the Government. Not only was an end put to it, but just punishment was denounced against whoever should carry it on, and it was declared that any man should be hanged by the neck till he was dead for that which had just before been pronounced essential for the maintenance of our commerce, our manufactures, and our navigation, and which reasoners of the same class had prophecied they would never survive; and he hoped that we should live to see the day when the existence of slavery would be spoken of as we now spoke of the "accursed African slave trade." The noble Baron had said, he was sorry we did not rest the question on higher ground than that of policy, and the fact was, that it was rested upon much higher ground, but it was also consistent with the soundest and best policy, and not merely with that, but with humanity and justice, and upon this treble title did this measure rest, which would ease the owner of the slave from the weight of such unjust property, and also release the character of the nation from a stain which, while slavery existed, must always disfigure it. It had been alleged that sufficient was not done to conciliate the legislatures of the colonies, but now they were left with a most happy power, which, he hoped, would conciliate them—the power to shorten the time of their fellow-creatures' bondage, and to this conciliation, he hoped, they would respond. And now upon another point. Whatever was the popularity of that House, and whatever was the respect entertained for it by the people of the country, which he would not then stop to discuss, surely that popularity and that respect the elaborate vituperation of the other House of Parliament, by any Member of their Lordships' House, could not, by any means, extend; and yet the noble Baron had indulged in language with regard to the proceedings of the House of Commons which would have been much better dispensed with. He would say, and he would repeat it with a confidence that could not be shaken, that a more honest, a more upright, and a more independent House of Commons than the present, had never been elected to watch over the interests of a great and a free people. Their Lordships, by cordially co-operating with that House of Commons in forwarding the great measure before them would, he confidently repeated, insure themselves the love, gratitude, and respect of the country.

Lord *Ellenborough*, in explanation, begged to say, that he had never intended to convey any censure on the other House of Parliament. Nothing that had fallen from him could be so construed, and he positively and unequivocally denied that he had had any such intention.

The *Lord Chancellor* said, that the part of the noble Baron's speech alluding to the late proceedings of the other House of Parliament seemed to bear the interpretation he had put on it. If the noble Baron did not intend to convey censure by the allusion, he must, of course, have misunderstood the noble Baron's meaning.

Lord *Ellenborough:* The noble and learned Lord had charged him with elaborate vituperation, but he denied the fact.

Lord *Wynford* said, that the effect of the Resolutions proposed, if acted upon, would be to injure our own trade and commerce, while it advanced those of other countries. He doubted, if slaves could be induced to work upon sugar estates for any wages except such as would be too high. There was not sufficient evidence before the Committee to prove that they would work in sugar cultivation at all for hire. The West-India planters were anxious to have witnesses examined to that point before the Committee, but were put off from time to time until it was too late. There was some slight evidence on the other side, but not sufficient, in his judgment, to settle the question. Even their Lordships proposed to assent to a vote of 20,000,000*l.* for the planters, which sum after all might not amount to a just compensation. He could not consent to this Resolution, without knowing whether or not it was the sum that the public ought to pay, or the planters ought to accept of, in liquidation of their just claims. The fact was, that the question had been urged on by senseless clamour. No man had a greater respect for the sense of the people when calmly and dispassionately expressed; but a cry got up as this against slavery had been could not be called the deliberate sense of the nation. Suppose, in consequence of emancipation, that sugar should cease to be cultivated altogether in the colonies, 20,000,000*l.* would not then be sufficient compensation to the planters. It might be sufficient as payment for their slaves, but would not remunerate them for their other losses. His noble and learned friend (Lord Brougham) had said, that if sugar cultivation ceased altogether, or was diminished in their own colonies, the article would be supplied in sufficient abundance from other countries. But he would ask, were these countries likely to take our manufactures as the colonies at present did? He feared the result of putting an end to slavery in the West Indies would be to aggravate and extend the evils of slavery in the colonies of other countries. His noble and learned friend should recollect, that when the slave-trade was abolished, and he (Lord Wynford) voted for the measure at the time, treaties were soon after made with other nations, pledging them also to put an end to the trade within a limited time. Nothing of the kind was proposed now. In his opinion, the better course would be, not to bring in an Act of Parliament at all upon the subject, but leave the matter to the discretion of the Colonial Legislatures. Those legislatures had, since 1823, done much for the slaves. They would violate the principles of the Constitution by the course of legislation now proposed, for they were bound not to interfere with the authority of the Colonial Legislatures, except in cases of necessity, and that necessity he did not think existed in the present case. He maintained, that if the Legislature interfered with the functions of the colonial assemblies, they would infringe upon the charter by which those assemblies were established. He denied that a case had been made out to justify the interference of the British Parliament. Why should not the local assemblies in the colonies have the gratification of themselves emancipating the slaves?

The Earl of *Ripon* replied, and observed, that if the Order in Council of 1831, which related to razors for the negroes was ridiculous, as had been termed by the noble Duke, it was founded upon that of 1825, to which the noble Duke had been a party.

The four first Resolutions were agreed to.

On the fifth Resolution, the Duke of Wellington moved, to leave out the words, "on liberal and comprehensive principles."

Amendment negatived, and the Resolution agreed to.

The concurrence of their Lordships in the Resolutions, was ordered to be communicated in a conference to the House of Commons.

Against the words in the fifth Resolution, to which the Duke of Wellington objected, his Grace entered the following Protest.

"Protest against agreeing to the proposed Amendment to the fifth Resolution of the House of Commons on Colonial Slavery.

"Dissentient,

"1st. Because it must be s pposed that any system of moral and religious education proposed by his Majesty's Government, must be founded upon principles sufficiently liberal and comprehensive, to ensure the improvement and permanent welfare of the negro population.

"2nd. Because the insertion of the words "upon liberal and comprehensive principles" in the fifth Resolution, which words were not in the Resolution when first proposed to Parliament, is calculated to create a feeling in the colonies, that it is intended to employ in the religious and moral education of the negro population classes of persons whom the proprietors and other free inhabitants of the colonies regard with apprehension and distrust, and of whose conduct they think that they have reason to complain.

"3rd. Because such feeling is calculated to prevent the successful attainment of the object of the first Resolution, which depends upon the consent of the colonial legislatures, and upon the cordial co-operation and assistance of the proprietors and colonists at large in the measures intended to be adopted.

"WELLINGTON."

[Between the 27th of June and July 1, the following signatures were added to this Protest, pursuant to the special leave given for such purpose by the House of Lords:—

ERNEST.
SALISBURY.
ROSSLYN.
KENYON.
GORDON.
ELLENBOROUGH.
MELROS.
SALTERSFORD.

CAMDEN.
DARTMOUTH.
BROWNLOW
WALLACE.
PENSHURST.
VANE.
SANDWICH.
HAY.]

HOUSE OF COMMONS,

Tuesday, *June* 25, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. WARBURTON, an Account of the Money received in 1832 by the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, for Diplomas granted, and how that Money was Appropriated.

Petitions presented. By Mr. E. J. STANLEY, from the Wesleyan Methodists of Lynn, in favour of the Parochial Rates Exemption Bill.—By Lord ASHLEY, from Glasgow, in favour of the Factories Regulation Bill.—By Mr. EGERTON, from the Surgeons and Apothecaries of Blackburn and Stockport, against the Apothecaries Bill.—By Colonel TORRENS, from Bolton, in favour of the Factories Regulation Bill.—By Mr. BANNERMAN, from Cork, for Extending the Provisions of the Apothecaries Bill to Ireland.—By Mr. BELL, from the Clergy of Northumberland, against the Church Temporalities (Ireland).—By Mr. ROEBUCK, from Hammersmith, for the Liberation of Messrs. Taylor, Twort, and Ward.—By Mr. FAITHFUL, from the Dissenters of South Shields, for Redress of their Grievances; from the Independents of Colchester, for the Immediate Abolition of Slavery; and from Brighton and Strathmiglo, for disuniting Church and State.—By Mr. SCHOLEFIELD, from Birmingham, for a Repeal of all Taxes on Knowledge; and from the same Place, for an Alteration in the Law of Ejectment.—By Mr. ROEBUCK, from Bristol, for the Reduction of Taxation.

FLOGGING IN THE ARMY.] On Mr. Buckingham, whose Motion relative to flogging in the army and navy stood for this evening, being called,

Mr. *Ellice* rose and said, that, before the hon. Gentleman proceeded to make his Motion, he wished to inform the House, that since the subject had been under discussion in the House, it had occupied the serious attention of his Majesty's Government, and that an order had been framed, he could not as yet say it had been issued, but, if not issued, no delay would take place in issuing it, restricting the practice of inflicting corporal punishment as nearly as possible to those cases specified in the Amendment moved by the hon. member for Middlesex on a former occasion, and which had been seconded by the hon. Baronet, the member for Westminster. Although he might mislead the House by stating that the Resolution in question had been couched in the very terms of the Amendment of the hon. Member; yet he believed it was nearly so; and of this he could assure the House, that his Majesty's Government were most anxious that the infliction of corporal punishment should be restricted within the utmost possible limits that were supposed to be consistent with the maintenance of discipline in the army. He hoped, therefore, under such circumstances, that the hon. Member would withdraw his Motion, and that he would not renew it during the present Session. It was most important that they should not have a discussion again upon it during the present Session, and he therefore trusted, that the hon. Member would be disposed to place confidence in his Majesty's Government, who were most anxious to do all in their power to restrain the practice in question, and that he would not renew his notice on the subject during this Session.

Mr. *Buckingham* had heard the statement just made by the right hon. Gentleman with very great satisfaction, and he was sure, that it would be satisfactory both to the House and to the country. To the right hon. Gentleman himself, in no small degree, was due the credit that attached to the conduct of the Government in this instance. He was willing to give a proof of the confidence which he placed in the good intentions of his Majesty's Ministers by withdrawing his Motion for the present Session, and thus giving a trial to the experiment which they proposed of reducing the amount of corporal punishment in the army. He begged, however, in doing so, to give notice, that if it should be found that the system which they now proposed did not work well, he would renew his Motion next Session for the abolition altogether of corporal punishment in the army.

JURIES (IRELAND).] Mr. *Shaw* rose to move for a copy of the correspondence between the Chief Secretary for Ireland and the Irish Judges, relative to the Irish Juries Bill. He would be the last person to ask for such a document if it could be considered a confidential communication, or one advising the discretion of the Executive. But a moment's consideration of the nature of the paper in question would show, that a refusal to produce it could not be cloaked under the plea of its being a confidential communication. The Bill to which it had reference passed the House last Session, and afterwards was referred to a Select Committee of the House of Lords—while the Bill was in that state, the Secretary for Ireland addressed an official communication to the twelve Irish Judges, requesting their opinion how far its principle could be carried into effect without endangering the due execution of Justice. The Judges had written an official answer, the existence of which was not only admitted, but their opinion had been represented by the Lord Chancellor of Ireland as favourable to the measure, while five peers who had read the opinion solemnly and expressly recorded their dissent from the measure because the opinion of the Judges was unfavourable to it, and he (Mr. Shaw) would add, that having been permitted by the courtesy of the hon. Gentleman opposite (Mr. Lamb), to read the opinion himself, that while the Judges admitted that some of the enactments of the Bill might be introduced with advantage, they conveyed their most distinct disapprobation of its principal provisions. The main feature was the establishment of a Juror's book. That was the important and material change made by the Bill; and the Judges declared, that in the present state of Ireland that alteration in the Jury system was most objectionable, and must lead to consequences endangering the administration of justice in that country. They also said, that in their opinion the great majority of persons who would, under the Bill, be qualified in respect of property to serve as Jurors, would in all other requisites of a Juror be unfit to be returned on a panel. In strictness he was ready to admit that the House was not bound by the opinions of others, however competent they might be to form a correct opinion, but that was more in theory than in practice, for, above all other times, at the present were Commissions issued without end to advise the House on questions with regard to which it was about to legislate. He might instance the factories, the Poor-laws, the Law Amendments, Commissioners, whose opinions were constantly quoted, and in many instances, were made the groundwork of legislation. He would ask, then, could there be any subject-matter of legislation more needing sound advice and consideration than that which must so vitally affect the Administration of the Law in Ireland as the Jury Bill in question, or a body of individuals more competent to form a just opinion on any subject than the Irish Judges were as to the execution of the laws in which they were daily and hourly engaged? The question, however, was not whether their opinion should ever have been taken, or whether it was in itself right or wrong, but when it had not only been taken, but subsequently referred to by members of the Irish Government, and when contradictory constructions had been put upon it, whether it was not just as regarded the Judges that their deliberately pronounced opinion should be allowed to speak for itself; and fair towards the House that so valuable and important a document should not be withheld, when they were called upon at such a period as the present, and under the existing circumstances of Ireland, to pass a law which would unsettle the whole Jury system of that country? He trusted the Government would not resist the Motion. The hon. and learned Member concluded by moving for a copy of the document in question.

Mr. *Littleton* was sorry that he felt obliged to object to the Motion. He sincerely wished, that he could, consistent with sound principle and precedent lay the paper which the hon. and learned Gentleman called for on the Table of the House; for though the Judges expressed their disapprobation of one part of the Bill, it would be found, that they bore valuable testimony to the utility and advantage of other parts of it. There was no precedent for granting such a return as this; on the score of convenience, too, the Motion was objectionable, and if they should grant such a return as this, similar returns must be granted in every other similar instance.

Colonel *Conolly* was sorry to find, that the right hon. Gentleman objected to the production of the document in question. He had had several conversations with the Judges in Ireland upon the subject, and they all were of opinion the Bill in question, in many of its details, must operate anything but beneficially. The constitution of Juries in Ireland was a subject than which nothing could be of greater importance, and he, therefore, could not help regretting, that the right hon. Gentleman should object to the production of a document which would enable the House to come to a sound decision on the subject. He was there authorized to give utterance to the sentiments of the Judges, and he had no hesitation in stating, that they all reprobated that part of the measure which appeared to give so much satisfaction to the hon. and learned Gentleman, the member for Dublin.

Mr. *Ruthven* highly approved of the conduct of the Government in refusing to grant this return. Such a document should not be produced for the purpose of influencing the determination of the Legislature.

Mr. *O'Connell* protested against the production of this document for the purpose of influencing Parliament, and must say, that he doubted whether the Judges should have been consulted at all upon the Bill. He was sorry to hear, that they approved so much of the Bill. He would much rather that they had altogether disapproved of it.

Mr. *Anthony Lefroy* regretted very much, that his Majesty's Government had come to the decision of opposing the Motion of his hon. and learned friend. He thought the Government was bound to give the House every information upon the subject, before they called upon hon. Members to pronounce an opinion on the Bill.

Mr. *Stanley* was ready to agree in the statement that the opinion of the Judges should not be brought forward in order to influence the decisions of that House. After what had passed on the subject of this Bill last Session, the Government had thought it necessary to take the opinion of the Judges in Ireland as to the practical working and effect of the measure. He quite agreed with his right hon. friend, that it would be most inconvenient to bring forward such an opinion, especially with a view to influence the decision of that House. The Judges should be strictly confined to the discharge of their judicial functions. He repeated, that it would be a most inconvenient precedent to drag forward an opinion of the Judges, given in a confidential manner to the Government, with a view to influence the proceedings of the Legislature. He regretted that it had been noticed in any way for such a purpose in another place.

Mr. *Shaw* said, that if the opinion of the Judges was not to be produced, he certainly concurred with the right hon. Gentleman that it ought not to have been referred to, and he could only remind the right hon. Gentleman that the first person who had referred to the opinion for the purpose of supporting his own views (though if produced it must have the very contrary effect) was the Lord Chancellor of Ireland. He did not deny, that in a constitutional point of view it was the province of Juries to check and control Judges, but no one knew better than the honorable and learned Gentleman (Mr. O'Connell) that that was not the only duty Irish Juries had to perform; and upon that account he readily believed the hon. Gentleman when he said, that the less the Judges liked the Bill, the better it would please the hon. and learned Member. He (Mr. Shaw) had heard no good reason given for the non-production of the correspondence, but he would leave with the Government the responsibility of refusing his Motion.

Motion withdrawn.

CHURCH TEMPORALITIES (IRELAND).] The House on the Motion of Mr. Secretary Stanley resolved itself into a Committee on the Church Temporalities (Ireland) Bill.

Mr. Secretary *Stanley* on moving the first part of schedule A, fixing the yearly tax chargeable upon all benefices, observed that the schedule had been formed on the principle of a per centage, increasing according to the value of the living, and commencing at five per cent, upon livings of 200*l.* annual value. It had, however, been suggested by the right hon. Baronet (the member for Tamworth) by the notice of motion which he had given, that this taxation ought only to commence on livings of 300*l.* per annum; but by that course this inconvenience would arise—namely, that by the scale as it at present stood, a living exceeding 300*l.*—say, amounting to 301*l.* annually, would be diminished by the amount of 7*l.* 10*s.* annually, while a living worth 299*l.* would not be taxed at all, and subject to no deduction whatever. The principle the Government had adopted was, to increase the amount of taxation according to the increased annual revenue of each party, and to this principle he did not apprehend there could be any objection.

Sir *Robert Peel* said, that he would call the particular attention of the House to the few observations, and the proposition he was about to make. He must first give his opinion as a general proposition—that this was a most unfortunate time for setting about to impose a fixed tax upon the incomes of the Church of Ireland, when there existed such peculiar uncertainty as to the amount of that income. Why, the House had, within no extended period, been under the necessity of voting two separate sums of money to the Irish Church, in order to relieve them from the necessity of going to the trouble and expense of law for the attainment of their legal rights. For all he could see, they would still labour under the same difficulties, even after November this year. Whatever might be the result of this measure, he was very sorry that the charge should be defrayed by a graduated Income-tax; and he the more particularly objected to it from the precedent which it would be establishing. It was the more extraordinary, too, after the strong manner in which the idea of a graduated Property or Income-tax had been repudiated by Ministers themselves only the other night. But the great question he wished to speak to was, whether it was right, proper, or expedient, that benefices under the value of 300*l.* a-year should be taxed at all? He did not believe, that the Ministers themselves were very much inclined to insist upon this point; and he felt certain that the unbiassed opinion of the House would be in accordance with his Amendment—that no benefice under 300*l.* a-year should be taxed. But there could really be no beneficial result from commencing the taxation upon livings exceeding 200*l.*; the tax upon such would not raise more than 732*l.* annually, or only one-fortieth part of the revenue expected to be thus raised. From this the expenses of the collection and of litigation must be deducted; and when this was done, he felt satisfied, that not more than 500*l.* clear would accrue from the taxation of these small livings. He, therefore, would urge his proposition on the ground of good financial policy, which was, to avoid raising such a tax in payments of 5*s.* or 10*s.* from each individual. But, apart from all financial questions, he would put it to the House whether a man of liberal education, zealously performing his spiritual duties, not very capable of managing pecuniary affairs, and having a family, with an income of 300*l.* a-year, was a fit subject for taxation. Such a man had also to answer the demands of charity, and the tax would draw from his means to answer them. On all these grounds he hoped the right hon. gentleman opposite (Mr. Stanley) would consent to leave untouched the clergyman of 300*l.* per annum — an income only sufficient to support his family with decency.

Mr. Secretary *Stanley* said, that the point was not one to which he really attached much importance, but was one altogether for the feeling and judgment of the House. The grounds upon which 200*l.* incomes had been made the minimum at which taxation should commence was because that was the maximum amount of augmentation, and, he thought, that no injustice was done by the proposed scale of taxation. The sacrifice of income by the adoption of the proposition of the right hon. Baronet was most certainly very trifling in amount, and the point was one on which each Member might exercise his own discretion; in short, it was for the House to say whether the limit for taxation should be 300*l.* or 200*l.* incomes. The sum of 200*l.* had been selected as the point to begin at, because that was the point where the augmentation was to stop. It was, he considered, neither unjust nor unfair that taxation should begin where augmentation ended. He admitted, that the subject was open to consideration; but he thought that the sum levied on 200*l.* was not unfair. The right hon. Baronet had said, that Ministers could not, upon their own principles—they having objected, and properly objected, to a graduated tax on property—consent to a graduated tax on the incomes of the clergy. But there was, in his opinion, a great difference between the property of the Church and the property of individuals. To whomsoever the property of the Church might go, it did not belong to them as individuals—it belonged to the corporation. The principle of a graduated Property-tax had a tendency to equalize property among individuals, but the tendency of a graduated scheme of taxation on the income of the clergy had no tendency to equalize property. A graduated Property-tax to equalize property, was an object at which the Legislature ought not to aim. To say, that one man had too little, and another too much, was not within the competency of Parliament, and the attempt which would carry it beyond its power would be as unjust as it would be ruinous. The Church property by being taxed on this graduated scale, was only more equally distributed among the members of the same Corporation, but for the State to take from the rich and give to the poor, was confiscation. He thought that no comparison could be instituted between the graduated tax proposed on the clergy, and a graduated Property-tax. A property-tax on the principle of graduation had a tendency to determine one rate of income for the whole community. The graduated tax on the clergy was only an equitable distribution of an allotted fund—the other was an unjust spoliation. If the House thought the rate he had mentioned too high, he was sure that his Majesty's Government would make no objection, and he should certainly make none, to adopting the more liberal proposition of the right hon. Baronet. He would leave it entirely to the House.

Mr. *Warburton* said, though that was not the time to discuss the principle of a graduated Property-tax, he was prepared to show, upon a first rate authority, that such a tax was most equitable. The question had been discussed by La Place in his "Theory of Probabilities," and whenever the subject should be discussed he should be prepared to support his views by that authority.

Sir *Robert Peel* would readily bow to the authority of La Place on a question of pure mathematics, but on the question of a graduated Property-tax, there were two other elements to be taken into consideration besides those on which La Place had reasoned. La Place supposed the incomes to be fixed, and did not consider the means of acquiring them. La Place did not estimate the influence of such a tax on industry. And he (Sir Robert Peel) was afraid that the desire to accumulate wealth would be greatly abated by a graduated Property-tax.

Mr. *Heathcote* recommended the Government to acquiesce in what he thought was the universal wish of the House. The sum of 300*l.* seemed little enough to begin the taxation.

Mr. *O'Connell* also approved of the alteration. It was not the small incomes of the lower clergy, but the large incomes of the Archbishops and Bishops which ought to be reduced.

Mr. *Sheil* asked if the whole sum would remain as it was before the proposed alteration?

Mr. Secretary *Stanley* replied, that the scale would remain the same, except cutting off the lower part of it.

Mr. *Hume* was glad that the right hon. Baronet had not fixed the amount at 500*l.* instead of 300*l.* as the Gentlemen opposite would have been ready to grant it. The great point, however, was to take care that no man got 300*l.* who did nothing for it.

The suggestion of Sir Robert Peel was agreed to, and the schedule as amended was ordered to stand part of the Bill.

The Bill to be reported.

The House resumed, the Report brought up, read, and to be taken into further consideration.

HOUSE OF COMMONS,

Wednesday, June 26, 1833.

Minutes.] Papers ordered. On the Motion of Mr. Dobbin, a Return from the Clerks of the Peace of the several Counties of Ireland, of the Place and Time at which the respective Quarter Sessions were holden in 1832.—On the Motion of Mr. O'Connell, Accounts of all Receipts and Disbursements by the Corporation of Dublin for the last twenty years.—On the Motion of Mr. Stewart, Lists of all Pensions granted by the East-India Company to Commanders, Officers, Seamen, Widows, and Orphans, of the Commercial Marine Service, from 1795 to the present time; also of Commanders to whom Compensation was given in consequence of a change in the Shipping System, in 1799.—On the Motion of Mr. Richards, an Account of all Places in which United, or Joint-Stock Banks have been Established, under the Act 7th George 4th, cap. 46.—On the Motion of Sir Robert Ferguson, a Return of the Amount advanced by the Lord Lieutenant for the first Expense of each District Lunatic Asylum; and the Manner in which the Interest and Capital is to be, or has been, Repaid: also detailed Accounts of the Expenses incurred, and other Circumstances concerning the Erection of these District Lunatic Asylums.—On the Motion of Mr. Hume, an Account of the Quantity of all West-India Produce, Exported from each of the British Colonies, and from the Mauritius, during the last three years.

Bill. Read a third time:—Enclosure Awards.

Petitions presented. By the Earl of Lincoln, from East Retford, against the Emancipation of the Jews.—By Sir John Maxwell, from Jedburgh and Paisley, for Alterations in the Royal Burgh (Scotland) Bill.—By Mr. Emerson Tennent, from Belfast, against any Alterations in the Duties on Foreign Timber; and from Connor, in favour of the Grand Juries (Ireland) Bill.—By Mr. Vernon Smith, from the Unitarians of Northampton, to be Relieved from the Payment of Church Rates.—By Mr. C. Wood, from the Owners of Fishing-boats belonging to

Boxham, Torbay, complaining of the Loss on their Trade from the Admission of Foreign Fish into the Market.—By Mr. ADDAMS WILLIAMS, from Monmouth, for Amending the Sale of Beer Act.—By Mr. SANFORD, against the Tithes Commutation Bill.

MARRIAGES BY ROMAN CATHOLIC PRIESTS.] Mr. *Perrin* moved the Order of the Day for the second reading of this Bill, which the hon. and learned Gentleman explained, went to repeal the penalty of 500*l.* to which Catholic priests were liable in Ireland for marrying a Catholic and a Protestant, and to place the marriages thus celebrated by Roman Catholic clergymen on the same footing as those celebrated by Dissenting Ministers. He did not apprehend that there would be any objection raised to the second reading of the Bill.

Colonel *Perceval,* while he was ready to mitigate the present excessive penalties imposed on this offence, would maintain, that some checks, such as Seceders were liable to, should be placed upon Roman Catholic clergymen marrying Catholics and Protestants. If there was no clause to that effect in the Bill, and if such a clause should not be introduced into it, he should feel it his duty to oppose the measure.

Mr. *Perrin* apprehended, that the gallant Colonel did not object to the principle of the Bill, and that being the case, if it should be the sense of the House that the clause he mentioned should be added to the Bill, that might be done in the Committee.

Mr. *Shaw* said, that though he thought the penalty in question should be mitigated, he would oppose its entire removal. It was a delusion to say, that this Bill went to place Roman Catholic clergymen in this respect on the same footing as other Dissenters in Ireland, for that was no footing at all. There had hitherto existed a check upon the marriages of Catholics and Protestants by Roman Catholic priests in Ireland, and he hoped that the House would not readily consent to remove it entirely. He would certainly mitigate the penalty, for its too great severity went to defeat its object; but he would not altogether remove the punishment from an offence which, time out of mind had been made subject to penalties by the law of that country.

Mr. Secretary *Stanley* said, it appeared to him, that the objection which had been just urged by the hon. and learned Gentleman was a very well-founded one against the system which at present prevailed in Ireland, but it was not a well-founded one against the principle of this Bill, which went to remove an enormously disproportioned penalty, the very disproportion of which in a great degree occasioned the evil in question. Without entering into the question as to whether it might not be hereafter advisable to introduce a general regulation with regard to such marriages by Roman Catholic clergymen and Dissenting clergymen in Ireland,—a question which was much too extensive at present for discussion, but which hereafter would be well worthy of the serious attention of the House,—he did not apprehend that there could be any objection to the second reading of a Bill which merely went to place the marriages by Roman Catholic clergymen on the same footing with those celebrated by Dissenters in Ireland. He certainly would support the Motion.

Mr. *O'Connell* said, that the hon. and learned member for the University of Dublin having spoken of the existence of those penalties "time out of mind," he would just tell the House what they were. One statute made the marrying of a Catholic and Protestant by a Catholic Priest a capital felony, for which he could be executed; by a subsequent statute a penalty of 500*l.* was attached to the offence, and the Irish Court of King's Bench, in Lord Kilwarden's time, decided, that those penalties were cumulative—that was to say, that the priest might be hanged first, and fined 500*l.* afterwards.

Sir *Robert Bateson* could not give his consent to the Bill, unless it was understood that in a future stage some provision would be made for restricting the Roman Catholic priests and all dissenting ministers from celebrating marriages in certain cases. He wished also particularly to provide against parties called couple-makers in Ireland, who would celebrate marriages between persons of any persuasion for the smallest donation—nay, even for a bottle of whisky. The evils arising from such acts were loudly complained of in the county with which he was connected.

The Order of the Day having been read, on the question that the Bill be read a second time,

Mr. Sergeant *Perrin* said, he must shortly call the attention of the House to the objects of this Bill. By an Act of Anne, and another of the 12th George 3rd, it was provided, that any Catholic clergyman who should celebrate a marriage between a Roman Catholic and a Protestant should be guilty of a capital offence, and should suffer death. The 33rd George 3rd professed to repeal the former Acts so far as making marriages so celebrated invalid, and imposed a penalty of 500*l.* on any Roman Catholic clergyman who should celebrate such a marriage. It had, however, been held by the Courts of Law in Ireland, that these statutes did not effect the first object, and therefore the law in Ireland stood in the extraordinary predicament that a Roman Catholic and Protestant might contract marriage without the intervention of a clergyman at all: while, if a Roman Catholic clergyman should intervene and perform the ceremony, he would be guilty of a felony without benefit of clergy. The object of the present Bill was, to repeal those statutes, which imposed a serious grievance upon a most meritorious class of individuals. He was willing to meet any suggestion that might be made in Committee, and therefore hoped, that the Bill would be allowed to be read a second time.

Sir *Robert Inglis* thought, that the hon. and learned Sergeant would have adopted a much better course if, instead of bringing forward this Bill, he had proposed a Select Committee to take the subject into its consideration. A similar measure had been introduced last year, and he had since been in frequent communication on the subject with people in Ireland, and had found that though the statutes which had been referred to were in existence, yet no case of their infringement had been tried, except one in the county of Antrim, where the party had been fined 500*l.* [Mr. *Perrin:* That was not the case of a Roman Catholic priest.] The returns which he had seen described the party as James Macgarry, a reputed Papist priest. He apprehended, that to make the marriage of a Roman Catholic legal it must be celebrated by a priest. He could not but think, that it would be more expedient to refer the whole subject to a Select Committee, than to press forward a separate Bill of this kind.

The *Solicitor General* supported the second reading of the Bill, which went merely to repeal certain penal enactments passed by the Irish Parliament. Those penalties were a disgrace to the Statute book, and ought not to be permitted to remain. As the law stood, marriages in Ireland could be contracted without the intervention of a priest at all, and he must object to any distinction being continued between a Roman Catholic minister and those of any other persuasion.

Mr. *Shaw* said, that it was somewhat difficult to deal with his Majesty's Government, for on one day they said one thing, and another the reverse. He alluded particularly to the circumstances attending the Bill which had been introduced last year on the same subject by the hon. member for Dublin (Mr. Ruthven), and who was obliged to abandon it in consequence of the opposition it met with from the Government. [" *No, no.*"] That Bill had been opposed by the hon. and learned Solicitor-General for Ireland, who had then a seat in the House, and the measure fell; but the Government now seemed disposed to support the present Bill, which was precisely similar to its predecessor. He thought, and would admit, that the existing penalties were too severe, but he could not consent to leave it open to Roman Catholic priests to celebrate marriages between Roman Catholics and Protestants. The Bill, if passed, would do away with every restriction, and would leave the marriage law completely at sea.

Mr. Secretary *Stanley* denied, that the Government had made any objection to the principle of the Bill which had been introduced by the hon. member for Dublin. The fact was, that amendments were proposed inconsistent with the principle, and the hon. Member withdrew it. It was most desirable, that the marriage law, both in this country and Ireland, should be examined, for at present it was disgraceful to the country, and he was satisfied, that such an object would not be impeded, but, on the contrary, facilitated, by the House consenting to the second reading of this Bill.

Mr. *Ruthven* said, that the Bill which he had introduced last Session had not been defeated by the Government, but by the factious opposition of the high Protestant ascendancy party, whose bigotry had already withered the country, and which he hoped soon to see dwindle away. He was glad to find, that the subject had been taken up by the hon. and learned Sergeant, who should have his support.

Colonel *Perceval* objected to the repeal of the present restrictions upon Roman Catholic priests, unless a sufficient check were placed upon them. He had only proposed such Amendments to the Bill of last Session as would have placed the Roman Catholic priest on the same footing and under similar restrictions, as the Clergy of the Established Church and Dissenting Ministers. He hoped, that the subject would either be referred to a Select Committee, or that the hon. Member who had introduced the Bill would consent, in Committee, to some provisions for placing the Roman Catholic under the same restrictions as other clergy.

Mr. *O'Connell* said, that this was the exact principle of the Bill, and he hoped a better spirit would arise in the House than to consent to the continuance of the punishment of death for Catholic clergymen celebrating marriages between Roman Catholics and Protestants. He felt satisfied the House would not consent to the continuance of so atrocious a law. With respect to the objecttion to the Bill because it reduced the penalties, he could only say, that he knew of three instances where Roman Catholic clergymen had been compelled to leave the country for some time, in consequence of having celebrated marriages between Roman Catholics and parties who subsequently were proved to be of the Protestant persuasion.

Bill read a second time.

ROYAL BURGHS (SCOTLAND).] The Lord Advocate moved that the Order of the Day for the further consideration of the Report on the Royal Burghs' (Scotland) Bill be read,

Order read and Bill recommitted.

On the first clause being put,

Mr. *Robert Wallace* said, that he approved of the measure as a whole, and thought it would completely put an end to many abuses in the Scotch Burghs, but it needed extension. He was of opinion that the Burgesses should elect their own Magistrates, as was in fact well stated in the preamble to the Bill. The first clause, however, in opposition to the preamble, stated, that the Magistrates were to be elected by the town councils, and that clause had given universal dissatisfaction in Scotland. He did not know why the Magistrates should not be elected by the people, instead of being elected by the intermediate body of the town council. That method would prevent the Burgesses from having a voice even in choosing those who were to manage their pecuniary affairs. He was sure that confiding that important trust to the town councils would occasion amongst them a multitude of cabals. In the borough which he represented the Magistrates had been chosen by the inhabitants at large, for the last seventy years, without any inconvenience, and he certainly should wish to see the same privilege extended to all the Boroughs of Scotland. He would therefore move as an Amendment to insert the words "Provost, Baillies, Treasurer, Town Clerks, and Town Councillors, each individually, and directly, by way of open poll, by which the electors would have the direct choice of their Magistrates by poll, instead of their being elected by the Town Councillors." He thought his Amendment of so much importance that he would divide the House upon it.

Mr. *Gillon* seconded the Amendment. He believed its adoption would put an end to an extensive system of jobbing in the election of the Magistrates of the Royal Burghs.

The *Lord Advocate* said, that the substance of the Amendment which had just been moved had been referred to a select Committee up-stairs, and after being discussed had been rejected. The framers of the present measure had acted on this decision, and they were chiefly influenced by this consideration: It was proved before them that in many of the Royal Burghs of Scotland the Magistrates have large power, both civil and criminal; and it was felt that it would be very injudicious to consign into the hands of the people the power of electing those whose office it was to keep wrong-doers in order. It would be hazardous in the extreme to run the risk of men being placed in the Magistry by inflaming the popular passions. On this single ground he should resist the Amendment.

Mr. *Hume* said, he was at a loss to know why the people who elected the Town Council, which Town Council afterwards elected the Magistrates, could not at once elect the Magistrates themselves. He could not help thinking that the learned Lord was not acting in the present instance up to his former professed principles with regard to conceding to popular opinion.

Mr. *Robert Steuart* hoped that what could not be conceded to expediency would not be conceded to a desire for popularity. He thought it was not safe to make the road to the Magistracy lead through the gratification of the popular sentiments. The Magistrates should be above, not dependent on, the *vox populi.* He meant to oppose the Amendment.

Mr. *Robert Ferguson* said, he supported the Bill, because he conceived it would form a good foundation for any future enactment on the subject. He was opposed to any alteration before further inquiry. He understood that a Royal Commission had been issued with full powers to collect evidence, and report on the subject before the House, and until that report were made he thought he was bound to support the present Bill. While he meant to do that he was, however, of opinion that the sooner the self-elective system was put an end to the better. He was satisfied though the political power of those close bodies was now gone, that some dangerous influences were still lurking in them which he trusted to the commission to get rid of.

Mr. *Bannerman* expressed a wish that the Amendment might be withdrawn, because the people of Scotland, in his opinion, cared nothing about it.

Sir *John Hay* thought, that since a commission was appointed, the discussion on the present measure would in some degree forestal its labours, and relieve it from a great deal of drudgery. It was the duty of the House to make the Bill as perfect as they could.

The Committee divided on the Amendment—Ayes 27; Noes 46: Majority 19.

List of the AYES.

ENGLAND.
Aglionby, Henry
Attwood, T.
Brotherton, Joseph
Buller, Charles
Faithful, George
Fenton, John
Handley, Major B.
Hume, Joseph
Molesworth, Sir W.
Parrott, Jasper
Philips, Mark
Potter, Richard
Scholefield, Joshua
Stavely, T. K.
Thicknesse, Ralph
Warburton, Henry
Williams, George

SCOTLAND.
Gillon, W. D.
Maxwell, Sir John
Oswald, Richard A.
Sharpe, Matthew
Stewart, Sir M. S.

IRELAND.
Blake, Martin
Finn, W. F.
Roe, James
Sheil, Richard L.
Vigors, Nicholas

TELLER.
Wallace, R.

Sir *John Hay* moved the following Amendment: "That in all burghs contained in Schedule A annexed to the Bill, the qualification of electors, in respect of property or occupancy, should be the same as is required for electors by Act 2 and 3 William 4th, c. 65, intituled 'An Act to amend the representations of the people of Scotland;' but that in order to afford a sufficient constituency in the other burghs not contained in that schedule, it should be a sufficient qualification for electors, in respect to property or occupancy, that the House or other premises belonging to or occupied by them, shall be of the yearly value of 5*l*. or upwards." The hon. Member said, that if the right of voting were limited to 10*l*. householders, as proposed by the Bill, the number of electors in some of the smaller boroughs would be so small that the election would be a mere mockery as far as regarded the expression of popular opinion. For example in the sixty-one smaller burghs the whole population of which amounted to 260,000 there would not be above 8,500 electors. The population of the five large burghs, Edinburgh, Glasgow, Perth, Aberdeen, and Dundee, the population was 700,000 and in them the number of electors would not be more than 26,000. In none of the burghs would the electors amount to five per cent of the population and in some of the smaller burghs it would not be above one per cent. He could also tell the learned Lord that in many of the smaller burghs the persons who had generally filled the situation of Town Councillors and Magistrates did not possess the 10*l*. qualification. If this Bill passed as at present, it would place the control of the Magistracy in the hands of any body except those of the great bulk of the burgesses and citizens. He knew that the Amendment he proposed met the wishes of the people in Scotland, and, therefore, he should persevere in it. Indeed he believed, that many of them would rather that the Bill should be thrown out than passed in its present shape.

Mr. *John Maxwell* seconded the Amendment, although he could not admit, that the people of Scotland did not regard this Bill as a great benefit. He thought the learned Lord had framed his Bill in conformity to English notions of wealth.

The *Lord Advocate* said, that the principle involved in the hon. Member's proposition had been repeatedly urged during the progress of the Reform Bill, but the House had always decided against it. It was necessary to make a stand somewhere, and he thought the Committee could not do better than adhere to the franchise established by the Reform Act. If they allowed 5*l*. householders to vote for the election of Magistrates, they would soon claim to vote for Members of Parliament, and he knew not on what principle the Legislature could refuse them.

Mr. *Oswald* supported the Amendment, and thought, that no harm would arise from extending the franchise to 5*l*. householders.

Sir *Alexander Hope* was opposed to the extension of the franchise. He would have consented when the Reform Bill was under discussion, to have a different franchise for different places, but as a uniformity of franchise was then insisted on, he thought it right now to adhere to that principle.

Mr. *Andrew Johnston* approved of the

Amendment. He recollected, that the learned Lord in the Committee promised, that there should be three classes of voters, 10*l.* householders, ancient burgesses, and for the smaller burghs simple burgesses.

Mr. *Abercromby* opposed the Amendment, on the ground, that it would destroy that uniformity of qualification between the municipal rate of franchise and that for a Member of Parliament, which so much promoted their common interests. He saw no reason why the rate of qualification should be lower for voting for municipal officers than for the Representatives of the people. He admitted, that there was a difficulty as to the small burghs, but the Commission alluded to was to inquire into that case, and he owned that he thought it would be advantageous to those burghs and to the public generally, if the exclusive privilege of those burghs were done away with and they were thrown into the county. Till that was decided, he thought it was no use legislating on the subject, particularly when it was considered, that a uniformity of franchise was on the whole most convenient.

Mr. *Wallace* was convinced, that a 5*l.* qualification would ensure, on the whole, as intelligent and respectable a constituency, both municipal and representative, as the present 10*l.* rate.

Sir *John Hay* would press his Amendment to a division, as he had heard no reason against its adoption which could satisfy the just expectations of the people of Scotland.

Mr. *Murray* was friendly to the principle of extending the franchise in municipal towns, but feared the present was an objectionable mode of effecting it. He supported the Bill in its present shape, because he thought it would do good, though he wished for an extension of the franchise, but he would trust to the inquiries of the Commissioners giving the Burghs that extension hereafter.

Mr. *Aglionby* thought, it would be an injury to the small boroughs to have a uniform franchise at so high a rate, he, therefore, would support the Amendment.

Mr. *Kennedy* would vote against the Amendment, as he conceived it highly expedient, that there should be an identity of qualification between the municipal and the representative franchise. If the former was lowered to 5*l.* there would be no reason for keeping up the latter at 10*l.*

The Committee divided on the Amendment—Ayes 53: Noes 54; Majority 1.

List of the AYES.

ENGLAND.
Aglionby, H. A.
Attwood, T.
Beauclerk, Major
Brotherton, J.
Buller, C.
Ellis, Wynn
Faithful, G.
Fryer, R.
Hume, J.
Kennedy, J.
Parrott, J.
Pease, J.
Plumptre, J. P.
Potter, R.
Richards, J.
Rider, T.
Scholefield, J.
Stavely, T. K.
Strutt, E.
Tooke, W.
Trelawney, W. L.
Warburton, H.
Whalley, Sir S.
Williams, Colonel
Wood, Alderman,
SCOTLAND.
Dunlop, Captain
Ewing, J.
Gillon, W. D.
Hay, Colonel
Johnston, A.
Maxwell, Sir J.
Maxwell, J.
Oswald, R. A.
Oswald, J.
Sharp, General
Steuart, R.
Wallace, Robert
IRELAND.
Baldwin, Dr.
Barry, G. S.
Blake, M. J.
Butler, Hon. P.
Evans, G.
Finn, W. F.
Galway, J. M.
Grattan, J.
Martin, J.
Nagle, Sir R.
O'Connell, Daniel
O'Connell, John
Roche, W.
Ronayne, D.
Vigors, N. A.
TELLER.
Hay, Sir John

Part of the NOES.

ENGLAND.
Baring, F.
Barnard, E. G.
Bolling, W.
Cornish, J.
Duffield, T.
Fielden, W.
Foster, C.
Graham, Sir J.
Handley, Major
Hardy, J.
Hornby, E. G.
Hulse, J.
Littleton, E. J.
Martin, J.
Mosley, Sir O.
Ord, W. H.
Rickford, W.
Sandon, Lord
Seale, Colonel
Philip, H.
Shawe, R. N.
Sheppard, T.
Slaney, R. A.
Smith, V.
Thicknesse, R.
Wason, R.
Wedgwood, J.
Williams, A. W.
Wood, C.
SCOTLAND.
Abercromby, J.
Adams, Admiral
Bannerman, A.
Bruce, C.
Dalmeny, Lord
Ferguson, G.
Haliburton, hon. D. G.
Jeffery, F.
Loch, J,
Murray, J. A.
Oliphant, L.
Parnell, Sir H.
Stewart, Sir M.
Sturt, Captain
Trail, G.
TELLER.
Kennedy, T. F.

Mr. *Gillon* wished to state, that he objected to the exclusion to be perpetuated by this Bill, which would leave the Corporations in Scotland only the same farce of self-election hitherto carried on. The Bill nominally went to extend the rights of inhabitants in burghs, and that it might really do so, he would propose, as an

Amendment on the clause before the House, "That all burgesses admitted for the period of not less than twelve months should have a right to vote on elections to municipal offices."

Mr. *Hume* supported the Amendment, on the ground that there was no reason why burgesses in Scotland should not be placed on an equal footing with freemen in England. They were certainly not inferior to that class in this country, who enjoyed the privilege of election of members to Parliament. If the burgesses were excluded from the power of choosing their officers, it would be not only gross injustice, but extremely bad policy.

The *Lord Advocate* observed, that there was no exclusion of burgesses by this Bill—they were only not admitted. Those who contended for the rights of burgesses by reference to ancient history, ought to know, that burgesses in 1479 were a different class of persons from those who now assumed the name. The ancient burgesses were *bonâ fide* holders of burgage property—tenants holding immediately of the barony of each town, the general community of which held of the King *in capite*. At present they were parties admissible to this title on the payment of a very trifling fee, and to admit them to power in a new judicial system would put an end to every thing like respectability in the municipal bodies. Besides, the number of these burgesses was, in many cases, double, and in most four or five times the number of the 10*l.* householders; and in addition, there was such a facility in their admission, that for a small expense, and to suit election purposes, such a number might at any time be thrown in as to cause constant innovation, and altogether change the face of things in these burghs; and at elections the whole power might thus fall to a rabble, excluding *in toto* the real respectability of the town.

Mr. *Cumming Bruce* agreed in the description given by the learned Lord, and was not therefore anxious for the Amendment as it now stood; but if it were modified, so as to confine the power sought to those who were now burgesses, and to such future burgesses as might be admitted on a higher qualification, then there could be no objection to the admission of the principle.

Mr. *Jervis* thought an infusion of new blood would be highly beneficial to the Scotch corporations, and would vote for the Amendment. The exclusion of this class of persons was highly impolitic, because the people felt a want of confidence in a magistracy which was self-elected. He would also oppose the principle of this clause on the ground of prudence, as it might be hereafter used as a precedent in England for depriving freemen in borough towns of their rights, although he did not see with what grace hon. Members could come forward to vote for the disfranchisement of those very persons who had sent them to that House.

Mr. *Gillon* said, that in compliance with the suggestions of his friends, he would modify his Amendment, and confine the application of it to the burgesses now existing.

The Committee divided—Ayes 58; Noes 102: Majority 44.

List of the AYES.

ENGLAND.
Attwood, T.
Beauclerk, Major
Brotherton, J.
Bruce, Lord E.
Buckingham, J. S.
Dillwyn, L. W.
Ellis, W.
Faithful, G.
Fryer, R.
Gully, J.
Hume, J.
Humphery, J.
Jervis, J.
Phillips, M.
Richards, J.
Trevor, hon. R.
Tynte, C. J. K.
Wason, R.
Wood, Alderman
SCOTLAND.
Agnew, Sir A.
Bruce, C.
Hay, Sir John
Hay, Colonel
Johnston, A.
Maxwell, Sir J.
Maxwell, J.
Oliphant, L.
Oswald, R.
Ross, H.
Sinclair, G.
Steuart, R.
Stuart C.
Wallace, R.
IRELAND.
Baldwin, Dr.
Barron, W.
Barry, G. S.
Blake Sir F.
Butler, H. P.
Chapman, M.
Evans, G.
Finn, W. F.
Fitzgerald, T.
Fitzsimon, C.
O'Brien, C.
O'Connell, D.
O'Connell, M.
O'Connell, J.
O'Connor, F.
O'Dwyer, A. E.
Rae, J.
Roche, W.
Ronayne, D.
Ruthven, E.
Shaw, F.
Sheil, E. Z.
Vigors, N. C.
TELLER.
Gillon, W. D.

Mr. *Cumming Bruce* moved an Amendment to the effect that all persons in burghs having votes for the Magistracy, should also be burgesses, and produce proof that they had paid the fees.

The *Lord Advocate* opposed the Amendment, on the ground that it would bring back the old system and was entirely opposed to the intention of the Bill.

The Committee again divided on this

Amendment—Ayes 17; Noes 108: Majority 91.

List of the AYES.

Agnew, Sir A.
Arbuthnot, Hon. H.
Baring, A.
Baring, F.
Buckingham, J. S.
Dare, R. W. H.
Dick, Q.
Ewing, J.
Ferguson, G.
Fryer, R.
Gordon, Hon. W.
Hay, Sir J.
Neeld, J.
Ross, C.
Tyrrell, Sir J. T.
Williams, G.

TELLER.

Bruce, C.

On Clause C being read,

General *Sharpe* moved an Amendment to the effect that all voters—10*l*.-voters as well as burgesses—be eligible to be Magistrates.

The *Lord Advocate* said, the clause as it stood was introduced by the Committee up stairs, and he saw no reason to alter it.

The Committee again divided—Ayes 60; Noes 75: Majority 15.

The House resumed.

The Report was brought up, and ordered to be taken into further consideration.

EMANCIPATION OF THE JEWS.] Mr. *Robert Grant* moved the Order of the Day for the House to resolve itself into a Committee on the Jews' Relief from Disabilities Bill.

Sir *Robert Inglis* hoped that, at that late hour, one of the most important Bills ever discussed would not be pressed upon the House; if it was, he should take the sense of the House on the question of going into the Committee.

Mr. *Robert Grant* said, he should be extremely sorry to press the subject on the House at an inconvenient time, but his hon. friend would recollect the time that had been wasted, that expectations had been suspended, that two debates had already taken place on the principle of the Bill, and if there ever was a Bill in which the details were identified with the principle, this was such.

The Speaker put the question that the Order of the Day be read, when

Sir *Charles Burrell* moved, that the House do adjourn.

A Division took place on the Amendment—Ayes 22; Noes 117: Majority 95.

List of the AYES.

Agnew, Sir A.
Bruce, C.
Buller, E.
Callander, J. H.
Colquhoun, J.
Forster, C. S.
Gaskell, J. M.
Gladstone, W. E.
Henniker, Lord
Hughes, W. H.
Johnstone, A.
Lennox, Lord A.
Lowther, Colonel
Martin, J.
Maxwell, J.
Nicholl, J.
Perceval, Colonel
Plumptre, J.
Sinclair, G.
Stormont, Viscount
Stuart, Captain
Tyrell, C.

TELLERS.

Burrell, Sir C.
Inglis, Sir R. H.

On the Question that the Speaker do leave the Chair,

Sir *Robert Inglis* opposed the Motion. He contended that the advantage gained by the parties who were the objects of the Bill was little, whilst the principle was a serious one. With great respect to the majority from whom he differed, the principle was so important that he should not do justice to himself or the country, if he did not take every opportunity of opposing this Bill. He should move that the debate be adjourned to this day six months.

Sir *Charles Burrell* seconded this Amendment.

Mr. *Tooke* remarked, that the hon. Baronet opposite might not be so alarmed at the awful consequences to be expected from this Bill, as such a measure had already existed as the law of the land for seven years; for by the 4th or 5th of George 1st, on account of the rebellion of 1715, the words now proposed to be omitted in the oath of abjuration were omitted for certain purposes during the period he had already stated.

The House divided on the Amendment—Ayes 24; Noes 117: Majority 93.

List of the AYES.

Agnew, Sir A.
Biddulph, R. M.
Bruce, C.
Buller, E.
Callander, J. H.
Fancourt, Major
Forster, C. S.
Gladstone, W. E.
Hay, Sir J.
Henniker, Lord
Hughes, W. H.
Johnstone, A.
Lennox, Lord A.
Lowther, Colonel
Maxwell, J.
Mosley, Sir O.
Perceval, Colonel
Plumptre, J.
Shaw, F.
Sinclair, G.
Stormont, Viscount
Stuart, C.
Tyrell, C.

TELLERS.

Burrell, Sir C.
Inglis, Sir R. H.

On the question being again put that the Speaker do leave the Chair,

Mr. *Hughes Hughes* said he would give all the opposition in his power to the measure. Many Members who were anxious to deliver their sentiments on it, were not aware that it would have come on that night. He, therefore, moved that the House do now adjourn.

Viscount *Palmerston* put it to the hon.

Member whether, after the House had already two discussions on the principle of the Bill, he would persist in such a Motion.

Lord *Stormont* would support the Amendment on the ground stated by the hon. member for Oxford.

Mr. *Sinclair* said, that though he felt strongly opposed to the Bill, he would not certainly support the present Amendment. The Motion was not pressed, and the House went into a Committee on the Bill.

Sir *Oswald Mosley* proposed, as an Amendment on the first Clause, which went to admit Jews to all the privileges to which Roman Catholics had been admitted, the introduction of the words "save and except to seats in either House of Parliament."

The Committee divided — Ayes 23; Noes 118: Majority 95.

List of the AYES.

Agnew, Sir A.
Biddulph, R.
Bruce, C.
Buller, Edward
Burrel, Sir C.
Callander, J. H.
Fancourt, Major
Forester, G. C. W.
Hay, Sir John
Henniker, Lord
Hughes, Hughes
Inglis, Sir R. H.
Johnston, Andrew
Lennox, Lord A.
Lowther, Col.
Martin, Thomas
Maxwell, John
Perceval, Col.
Plumptre, W.
Sinclair, George
Stormont, Lord
Stuart, Captain
Tyrrell, Charles

TELLER.
Mosley, Sir O.

Mr. *Andrew Johnston*, in reference to the oath, provided by the 1st Clause, to be taken by Jews on taking their seats in Parliament said, that in consequence of the interpretation which had been already put upon a similar oath inserted in the Catholic Bill, he did not see the use of having such an oath taken at all, and he, therefore, moved that the proviso in question be altogether omitted.

The Committee divided on the Amendment—Ayes 20; Noes 104: Majority 84.

The 1st Clause agreed to.

On the 2nd Clause being read,

Mr. *Plumptre* said, that, with a view to nullify the measure, and, if possible, to defeat it, he would move the insertion of the words "in the true faith of a Christian," which had been omitted out of the oath.

The *Chairman* suggested that the better way would be to move that the 2nd Clause should be expunged, which the hon. Member accordingly did, and the Committee divided—Ayes 19; Noes 110: Majority 91.

The House resumed. The Report brought up, and ordered to be received.

HOUSE OF LORDS,

Thursday, June 27, 1833.

MINUTES.] Bills. Committed:—Limitation of Actions; Payment of Debts.

Petitions presented. By the Earl of SEFTON, from the Roman Catholics of Liverpool, for a Relief from their Grievances with respect to Marriages; from a Dissenting Congregation of Preston, for Relief to the Dissenters with respect to Marriages, Registration, and Church Rates; from the same, for the Removal of the Civil Disabilities of the Jews.—By Lord SUFFIELD, from the Medical Practitioners of Liverpool, for a due Consideration of the Apothecaries Bill.—By the Marquess of WESTMINSTER, from Llanidloes, for Clergymen to perform Divine Service in the Welsh Language.

HOUSE OF COMMONS,

Thursday, June 27, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. VERNON SMITH, a Copy of the Royal Warrant for Appointing Viscount MELVILLE Keeper of the Privy Seal in Scotland, dated 1st December, 1814.—On the Motion of Mr. G. F YOUNG, an Account of Payments made out of the Consolidated Fund, under the Act 39th George 3rd, cap. 69, and other Acts for the Improvement of the Port of London: also of the Sums paid by the West-India Dock Company, and other Companies into the Exchequer; and also the Sum awarded to the Crown as Compensation for the Estate and Interest in the Mooring Chain of the River Thames.

Petitions presented. By Mr. JERNINGHAM, from Pontefract, against the General Register Bill.—By Mr. LESTER, from Harberton, against the Tithes Commutation Bill.—By Sir WILLIAM INGILBY, from two Places, for a Repeal of the Malt Tax; and from four other Places, for the Immediate Abolition of Slavery, without Compensation.—By Colonel LEITH HAY, from Elgin, against the Bankrupt (Scotland) Bill.—By Mr. PEASE, from Masters and Seamen Employed in the Port of Stockton-upon-Tees, against Merchant Seamen's Sixpences.—By the same, from the same Place; and by Lord ASHLEY, from Cirencester, against the proposed Arrangement with the Bank.—By Mr. SINCLAIR, from St. Fergus, for Amending the System of Church Patronage in Scotland.—By Earl JERMYN, from Bury St. Emund's, in favour of the Rating of Tenements Bill.—By Colonel EVANS, from the Retailers of Beer at Rye, to be placed on a Footing with the Licensed Victuallers.—By Sir WILLIAM CHAYTOR, from the Notaries of Poole and Sunderland, against the Notaries Public Bill.—By Mr. COBBETT, from Oldham, against the Rating of Tenements Bill.

EMPLOYMENT OF SPIES.] Mr. *Cobbett* said, he had a Petition to present, which, if it contained the truth, must convince the House and the people of the country, that they might now say, with the Psalmist, "In the midst of life we are in death." The petition alleged that the police were employed systematically as spies, and he (Mr. Cobbett) believed that he was in a condition to prove it. The petition was from the undersigned members of the Political Union of Camberwell and Walworth, and stated, 'That one William S. Popay 'became a member of their Union about 'fifteen months ago; that he attended the meetings of the Union which was called a class of the "National Political Union of the Working Classes;" that he used to urge the members of the Union to use stronger language than they did in their resolutions and other papers, which he sometimes altered with his own pen, in order to introduce such stronger language; that, in his conversation with one of your petitioners, particularly, he railed against the Government, damned the Ministers for villains, and said he would expel them from the earth; that he told one of your petitioners, that he should like to establish a shooting gallery, and wanted some of them to learn the use of the broad sword, and did give one lesson of the use of the broad sword to one of your petitioners; that he subscribed towards the expense of providing a banner; that he subscribed for music at a meeting of the working classes at Kennington-common, held for the purpose of petitioning against the flogging of soldiers; that this William Popay attended, and took an active part in a procession of the working classes to Copenhagen-house, in July last, to celebrate the anniversary of the French revolution, when he walked amongst the foremost, arm-in-arm with one of your petitioners, who was a member of the Union; that, in or about the month of August last, he went, with one of your petitioners, and other persons, to visit a class of the Political Union at Richmond, when he paid, out of his own pocket, the expenses of the day, making the division and settlement at night, though the day before he had represented himself to this petitioner, as so poor as not to have the means of getting food for his family; that he used to take notes of the speeches made at the divers meetings; that, in the last autumn, he walked in procession with one of your petitioners, in the funeral of Thomas Hardy, and that, while the procession was moving on, this your petitioner, perceiving several men whom he knew to be policemen, disguised in private clothes, he noticed this, with marks of indignation, to Popay, who told him to "hush," and used every effort to restrain him from speaking loud; that, while the oration was making over the grave, Popay placed himself on a tomb-stone, and took notes of what was said; that he constantly represented himself as in a state of great poverty and misery, and thereby got himself and his wife into the houses of some of your petitioners, and received food and drink and entertainment from them; that he represented himself as having been deprived of his due by some persons in authority, and as having been brought to misery from such cause, and his tale of woe, to some of your petitioners and their wives, was such as to bring tears into their eyes; that he generally carried a bag, or portfolio, with him, representing himself as an unfortunate person, picking up his bread by miniature and landscape drawing or painting; that he enrolled himself in the union class, under the name, first, of "A. B.," and afterwards under the name of "Pearce," alleging that he declined using his real name, lest his respectable connexions—amongst whom he named Mr. Alderman Wilson—might be offended, if they knew that he belonged to a Political Union; that all this time he, wholly unknown to your petitioners, belonged to the police, having entered that service about twenty months ago; that he wore the uniform for about three months, and was stationed on what is called a "beat" at Brixton; that, at the end of those three months, or thereabouts, he ceased to wear the uniform; that he was promoted to be a clerk in the police about four months ago; that he was further promoted about a month ago to be a deputy-inspector, and is now acting as such at Park-place, Walworth; that he was amongst the people at the Calthorpe-street meeting, dressed in common private clothes, and was there seen and spoken to by one of your petitioners; that, in or about the month of February last, some of your petitioners had heard that he belonged to the police; that they found him at the house of one of your petitioners, and charged him with the fact, which he most positively and vehemently denied to be true; that George Furzey was the man who first made a discovery of this important fact, and that this same George Furzey went along with two other of your petitioners, and preferred the charge against him.' He begged the House to bear in mind, that this very George Furzey was now in gaol, and about to be tried for his life, on a charge of having stabbed the policeman, Culley—which charge was brought against him upon the testimony of this man Popay, whose conduct Furzey was the first to expose. The petitioners proceeded—'That your petitioners are men faithful to their allegiance, and laborious in their lives;

'that they contemplate, with indignation, 'the fact that they are compelled to pay 'for the maintenance of spies, under pre- 'tence of their being persons employed for 'the preservation of the peace, and the 'protection of their property and their 'lives; while the business of this man 'evidently was, to delude the thoughtless 'into the commission of crimes, to bring 'misery upon their wives and families, and 'themselves to deaths ignominious. That 'some of your petitioners have frequently 'seen those whom they know to be police- 'men, disguised in clothing of various 'descriptions, sometimes in the garb of 'gentlemen, sometimes in that of trades- 'men or artisans, sometimes in sailors' 'jackets, and sometimes in ploughmen's 'frocks; that, thus feeling themselves liv- 'ing amongst spies, seeking their lives, and 'sorely feeling the taxes, heaped upon them 'for the maintenance of those spies, they 'make this appeal to your honourable 'House, and implore you to be pleased to 'make inquiry into the matter, being will- 'ing and ready to come forward with proof 'of all the facts that they have stated, and 'beg leave to express, at the same time, an 'anxious hope that the result of such in- 'quiry will be some Act of your honourable 'House, to afford them and their families 'and fellow-subjects protection against such 'wrongs and such perils for the future.' Now, Sir, if we are to be taxed for the support of spies, and if we are to be compelled to live amongst spies, the sooner the greater part or the whole of us are out of the world, the better. If a man goes into a coffee-house, or a public-house, or of the more humble class, into a beer-shop, he cannot tell but a spy may be sitting at his side: for here we have the proof that they go about in all places, and in all sorts of disguises. I am not bound to prove the truth of everything that may be contained in the petitions which I present, though it was said here the other day that I was bound to do so, and on another occasion, that another hon. Member was also bound. But as to the present petition, I say, I am in a condition to prove the truth of it as well as any attorney or advocate can prove a case which he undertakes. I have examined all the witnesses; and they completely prove all this petition contains, and more. They prove that this man Popay subscribed to a fund for the purpose of forming a dépôt of arms—that he induced others to subscribe to it, and that he put down sixpence himself; and that the poor man who is now to be tried for his life, on a charge of stabbing two of these policemen, put down something also. But when Furzey found that this Popay was a spy, he went and struck his own name out of the subscription-list. Now, Sir, I always said, that these policemen were spies: but his Majesty's Ministers said, that they were not spies. Here is proof that they are spies. However, I shall be very glad, indeed, to find that the Government did not know it; for it would be a shameful thing to find that we were living under a Government which sent in spies amongst us. But somebody under the Government must know it; for here was this man constantly getting his pay—regularly going to Scotland-yard, and yet always dressed in private clothes. His inspector, therefore, must know what he was doing. Then here comes this most suspicious circumstance, that he was at the Calthorpe-street meeting, and that there too he was dressed in private clothes. When we see, then, what part the police took in instigating that meeting, can we say, that it was not a second Cato-street conspiracy. I believe that it was so. I am in a condition to prove that this police spy was there. The fact speaks for itself. We first find this man at the Union, instigating the members to violent language, subscribing to a dépôt of arms; then we find him at the Calthorpe-street meeting; next a Jury is sitting to inquire respecting the death of a policeman, who was killed at that meeting. There we see the Jury combating with the coroner. They leave a blank inquest to be filled up by him, and he fills it up, so as to make it inconsistent with the verdict. It was his business to make it comport with the verdict. It was not his business to say, that the policeman was in the presence of God and the King, and in the discharge of his duty when he received the wound. When the Solicitor General was here the other day, and the subject was before the House, he did not explain this to us; nor did the hon. member for Kidderminster come forward and explain it, though he was good enough to explain the law to me. It was the usage to leave the inquest to be filled up by the coroner; but it was his duty to fill it up in a manner consistent with the verdict. But this was altogether his own suggestion, to say that the man was in the discharge of his duty. The hon. member for Kidderminster told the House, that the Solicitor General was not called on to go into the King's Bench; but he did go there; and the Court of King's Bench having that inquest before it, must quash the verdict. Well, what did his Majesty's Government do next? On the very day after the verdict, the King's proclamation comes forth declaring that the man was murdered, whom the Jury declared not to have been murdered. Connect that with the conduct of Popay—with his being at the meeting in plain clothes. Then comes a paragragh in one of the Government newspapers, in *The Morning Chronicle*, which is a Government Newspaper, as far as we know a Government Newspaper in this country. This paragraph tells us, that a disinterested person can prove that Furzey is the murderer of Culley, and that this person went to Newgate and pointed out Furzey from amongst a number of persons. Now, this disinterested person, as we understood the hon. Member, is the man whom Furzey detected at Walworth as a spy. This man was promoted just before the Calthorpe meeting; and I am not certain that he has not been promoted since. These persons were the police spies, paid by the people to drag them about and seek their blood. We live in the midst of spies, and well may we say, "that in the midst of life we are in death." Was I not right, then, when I compared them to the *mouchards* of Paris, and the French *gensdarmerie*? I say, these police are both. What do they do with spies in the army? Why, the moment they find one they hang him. That's what they do with a spy when they catch him amongst the enemy. How much more detestable, then, is it to be a spy amongst your own friends and neighbours? They hang a spy caught amongst the enemy in time of actual war. I say, how much more detestable to be a spy in civil life, and amongst the people who support you! How much more wicked is it to seek to bring harmless people into crimes! We find this man living amongst the people, and his wants relieved by them. His wife and family taken care of by them; and whilst he was pretending to be in the greatest misery, he was actually bringing these people into crimes. Two petitioners, after they sent me the petition, recollected that he (Popay) suggested subscriptions for a dépôt of arms, and that he subscribed for it himself. Here, then, the policeman was inducing the people all along to do something that would bring them under the observation of the law, by which they might receive punishment. All this time he was a policeman in private clothes. Here is a proof that the people are compelled to give their money—that their beds are taken from under them—to pay taxes upon which a spy police live; and if the world ever saw men reduced to a state of degradation like this, I confess I should be glad to hear of it; for it would be some consolation to me, at all events, that there have been people in the world before now as degraded as we are. There is another observation which I wish to make on this subject. These men collect money. They receive money as presents, and this I look upon as a very suspicious circumstance. However, they do get the money—people give them presents for taking care of their premises, and things like that. Well, what is done with this money? Why, they are obliged to come to Scotland-yard, and share it with their superiors. Now, these presents will go on, until the usage becomes custom, and the custom becomes law; and woe be to the man who shall refuse to give the police their present. But what is more, I see that it is the intention of the Government to introduce this spy-police into every village in the kingdom. Here is a book on the Table, which the hon. member for Horsham presented, and the main object of this book is to make out a case for the introduction of the spy-police system into all parts of England. Every Member who reads this book must see that its object is to supersede the Justices of the Peace by hired Judges, and that the headboroughs and constables are to be superseded by the police—ay, by this spy-police. With this I charged the Government, and called on them to deny it. Now, from what I see in this book—the Report of the Poor-law Commissioners, yes, and signed by two Bishops, too—I am convinced that such is their intention. When I was about to present this petition, a worthy Alderman behind me (Alderman Wood) suggested to me that there was a Committee inquiring respecting this police-system, and as I make no question that the Committee will do their duty, I move that this petition be referred to that Committee.

Mr. *Sinclair* concurred with the hon. member for Oldham, that the case was one requiring investigation, but, at the same time, he felt it his duty to take the opportunity of stating his conviction that the police of the metropolis were an eminently useful body of men, and were distinguished by their civility and attention. The hon. member for Oldham had compared the late proceedings in Coldbath-fields to the Cato-street Conspiracy; in that, however, he could not agree with him, considering that conspiracy one of the most dangerous attempts to subvert the Government that had ever taken place in this country. He regretted that the hon. Member had indulged in such remarks as he had, thinking that they would have a tendency to encourage such proceedings.

Colonel *Evans,* although he admitted that in many instances, the conduct of the police was most commendable, yet he could not help recollecting, whenever the subject was brought forward, the printed instructions put forth by the Home Department when the police service first commenced, which stated that they were to be armed, and to inquire into the conduct of the inhabitants of their different districts. Nothing in his opinion was more like the establishment of a *gensdarmerie.* It was true that those instructions, so far as it respected the police being armed, and the inquiry being made into the conduct of the inhabitants, were withdrawn, yet it still showed the *animus* that actuated the Home Department. The only two countries in which forces similar to these were established were France and Ireland. Undoubtedly the police of France, the *gensdarmerie,* preserved life and property most successfully; but the question with him was, whether the attempt to correct one abuse might not introduce a much worse one. We were not in the state that France and Ireland were to justify the establishment of such a system of police, and it had been found so intolerable in Paris that it had, since the revolution of 1830, been put down in that city. The expense, he understood, was more than double that of the old watchmen, a serious consideration in the distressed state of the middling classes. [Mr. *Hawes:* Not double.] At any rate 7,000*l.* more than was necessary had been raised during the last year. In the parish of St. George the Commissioners, by rating the empty houses, had raised the amount on the inhabited houses above 8*d.* in the pound, which was all that the Act allowed. He hoped the hon. member for Oldham would move for a Committee to inquire into the allegations of the petition. As the conduct of the Coroner in the Calthorpe-street affair had been alluded to, he would state that, in his opinion, it was not the result of inadvertence, but of design; and if no other Member took steps on the subject he would.

Mr. *Ronayne* said, had the hon. member for Oldham lived as long in Ireland as he had, the hon. Member would not have exhibited such indignation at the idea of the people living under a system of espionage. In Ireland, that was common, and at the last the Clonmel Assizes, he elicited the fact, that a policeman was employed and went about as a pedlar, for the purpose of apprehending persons.

Mr. *Godson* had been misrepresented on a former occasion, in being reported to say, that the Court of King's Bench had no power to quash an inquisition. What he said was, that the quashing of the verdict on the ground of informality had in no way affected the propriety of that verdict, or shaken the evidence upon which it rested. The conduct of the Coroner, in getting the signature of the Jury to a piece of blank parchment, was most improper. It was a most extraordinary proceeding, and it placed the conduct of the Government in a very objectionable light. If the House would look into the proceedings of the law courts, within the last few days, it would see, that the verdict of a Coroner's Jury had been of the highest value to an illustrious individual, who had been charged with an atrocious offence. In the proceedings of which he spoke, the verdict of the Coroner's Jury was produced, and very properly. But if it were valuable to a rich man, why should not a poor man have the benefit of it in his case? His Majesty's Government, however, had thought fit to deprive him of that. The verdict had been quashed, not because it was bad, but because the Coroner had introduced an informality into it. Was that right? Was it creditable? He thought not.

Mr. *Wilks* regretted that the attention of the House should have been at all diverted from the petition. It was a most important petition, and the hon. member for Oldham had done himself great honour in bringing it forward. The subject deserved the most attentive consideration. A system, which induced even a single individual to act as a spy, called upon the House to express its indignation at the fact, in order to put down so base a system. It had been by the introduction of spies into a part of Scotland a few years ago, that all the lamentable disturbances that occurred in that country were occasioned, as well as the death of several persons who were led into the commission of political crime by persons employed by the Government. He trusted, that the subject of the petition would secure that attention and inquiry to which it was entitled.

Mr. *Estcourt*, as Chairman of the Committee on the Metropolitan Police, felt called on to say, that it would be an highly improper thing to refer this petition to a Committee which had already a mass of business on its hands, and which moreover was constituted to apply itself generally to the system of the entire Metropolitan Police. It would be imposing too much labour on the Committee. Besides, as it referred to a particular action, he thought it ought to be referred to a particular Committee.

Mr. *Cobbett* would move for a Committee on the subject, on some future day.

POLITICAL UNIONS.] Mr. *Finch* rose, pursuant to notice, to bring before the House a subject of considerable importance, although not, perhaps, of so great importance as some questions which had been brought before it in the course of the Session. It was a subject, however, on which a great deal of public feeling had been excited, and the result of their discussion that evening would be looked forward to with great interest. He begged that it might be most distinctly understood, that he brought the question of the Political Unions forward with no party views, and being a Member of no influence in that House, it would be debated without reference to party feeling. Whatever the result might be, he trusted it would tend towards the best interests of the country. He assured those hon. Members who might take up the defence of Political Unions, that if they could prove Political Unions to be legal or constitutional to the satisfaction of the House, he should be happy to withdraw his Motion. For himself he must confess, that after patiently investigating the subject, he had not been able to discover in these Political Unions any one redeeming virtue. They were, in their origin, in their principles, and their development, as far as their influence extended, fraught with unmixed mischief. He did not mean to say that, at the present moment, the Political Unions were all powerful, or even influential, but he thought, on that very account, that the present was the proper time to take them into consideration. He was not about to ask for any new law—for the suspension of the *Habeas Corpus* Act, for restrictions on the Press, or for interference with the Trial by Jury, or the right to assemble at public meetings, or for the suspension of any other privilege of the people recognized by the law or Constitution of this country. He meant to propose to the House a simple Resolution; and, in order to endeavour to avoid collision with his Majesty's Ministers or any party, he had selected words, in which it was couched, from a Proclamation issued by the Government two years ago. In substance, therefore, there could be no difference between himself and his Majesty's Ministers. The Resolution was to the following effect:—"Resolved, that certain voluntary associations, denominated Political Unions, are subversive of the authority of the Crown, unconstitutional and illegal, and that his Majesty's Ministers will be fully justified in enforcing the law of the land for their suppression, and for the suppression of all Political Unions, be their denomination what they may, of which the nature, principles, designs, and operations, are subversive of the authority of the Crown, unconstitutional, or illegal." The hon. Gentleman referred to the Proclamation, to show that it contained the same condemnatory words which he had made use of in his Resolution—namely, that Political Unions were "subversive of the authority of the Crown, unconstitutional, and illegal." There might be some hon. Members in that House who might conceive that he was about to encroach on the liberties of the people. Let them, then, he would say, point out the precise period in our history when Unions were considered legal and constitutional. He would invite them to go back to the most remote period; but although they went back to the time of the Saxons, and thence through the periods when the political dominion of the country was held by the Normans, the Plantagenets, the Tudors, up, indeed, to the date of the first French Revolution, they would not find any institution bearing resemblance to these Unions in the powers which they usurped. They arrogated to themselves the power, authority, and privilege of overawing, or endeavouring to overawe, the Legislature and Executive, by endeavouring to enrol and place under their command large bodies of the people, and establishing a confederacy which might overturn all existing institutions, and were wholly incompatible with any government, law, or constitution whatever. There was nothing in the constitutional history of the country which bore any resemblance or affinity to the

Political Unions; and if it were true that nothing of the kind was discoverable in the constitutional history of the country, it remained for those who were prepared to defend such institutions to show, that they were in harmony with the spirit of the Constitution, and that they might at any time be instituted without any violation or breach of the Constitution. Now, they could not have an implied existence, because all their spirit and operations were contrary to the Constitution. He would, however, admit, that there was a period when societies similar to the Political Unions had an ephemeral existence—he meant at the era of the French Revolution, when, indeed, there were societies exercising a like influence and professing like principles—societies, roots of which had been watered by the tears and the blood of millions. Those institutions were anti-monarchical, and equally violated the privileges of Parliament and prerogatives of the Crown. No one, let his ingenuity be what it might, could successfully defend those Unions on the ground of constitutionality. He had no hesitation in laying down this proposition, that all political power which was not established by law was an unconstitutional power. Let the nature of the power be what it might, there existed that which showed it to be unconstitutional. There was a great difference between natural rights and political power. All persons had a natural right to do what was not at variance with the laws; but no individual could claim political power—it could only be obtained by constitutional grant. He (Mr. Finch) could show in an instant, and from an authorised document, "*The Resolutions of the Birmingham Union*," and particularly to that which was contained in the 19th page of that document, that the Unions assumed to themselves the exercise of political power. The objects of the Birmingham Political Union were stated to be,

"5th. To obey strictly all the just and legal directions of the Political Council, so soon as they shall be made public, and so far as they can legally and conveniently be obeyed.

"6th. To bear in mind, that the strength of our Society consists in the peace, order, unity, and legality of our proceedings; and to consider all persons as enemies who shall in any way invite or promote violence, discord, or division, or any illegal or doubtful measures.

"7th. Never to forget, that by the exercise of the above qualities we shall produce the peaceful display of an immense organised moral power, which cannot be despised nor disregarded; but that, if we do not keep clear of the innumerable and intricate laws which surround us, the lawyer and the soldier will probably break in upon us and render all our exertions vain." Here then were all the elements of political power gathered together in a manner highly unconstitutional. Let the members of this Council be animated by the most exalted patriotism, still the power would be dangerous and illegal. It was alleged to be an "indispensable rule of the Society to obey the Political Council." In another part of the regulations it was declared, that the Society meant to act by availing themselves of moments of "popular enthusiasm." He would read three other rules.

"6th. To consider and report upon the legality and practicability of holding central meetings of delegates from the industrious classes, in the same manner as similar kinds of meetings were lately held by the delegates of the agriculturists assembled at Henderson's Hotel.

"7th. To consider the means of organizing a system of operations whereby the Public Press may be influenced to act generally in support of the public interests.

"8th. In all their proceedings to look chiefly to the recovery and preservation of the rights and interests of the lower and middle classes of the people."

He was ready to argue, that no body of men, however good their intentions, however much they might have an eye to the public good, had a right to frame a system of laws by which they might acquire great political power. Their notions of power were derived from the doctrine of passive obedience. In that Council was centered absolute power, and to this Council the members paid a military obedience. True it was, that the first article of the duties of the members declared, "that they were bound to be good, faithful, and loyal subjects of the King." It was said, that man was the only laughing animal, but he verily believed, that if any irrational or savage creature could be brought to laugh, it would be by the perusal of the Political Union regulations. He could not understand the logical deductions of the framer of those rules, whoever he might be, that could deduce such acts as those warranted by the Political Union regulations from the text of order, faith, and loyalty. It was a recurrence to the system by which Jacobinism had been promulgated in France, which was by the promulgation of clubs throughout the country, and sending delegates to form a National Convention, which was to supersede the legislative and executive government. Their supposed good order and loyalty to the King was a mere colouring to shelter them from the operation of the law. This was the case with those who had promoted the French Revolution. The rights of man were founded on the assumption, that the foundation of political society was essentially popular, and these Political Unions declared, that all persons were eligible to become members, by which they inculcated anew the doctrine of political equality. It had been said, that these Unions could not be more illegal than the Carlton-street and other Conservative Societies. Now, for his part, he could see no more likeness between the Carlton Club and the Political Unions, than there was between a man and a monkey. These Unions stated that, however desirous both Houses of Parliament might be to promote the happiness of the community, their members had not the means of knowing their wants. Bred up in the lap of luxury, and surrounded by parasites, the members of the Legislature had no means of knowing the extent to which distress existed in the country, and then they proceeded to say, that they would watch narrowly the proceedings of the Legislature, in order to preserve the country from danger. He would ask, was it to the self-constituted Committee that the Legislature was to look for light and reason? Was there among those men that impartiality of judgment that would lead the House to give up its judgment to theirs? Was there that talent among them that would induce the Legislature to put itself under their tutelage? Were its members known as public men, or were they persons in whom the country could place implicit confidence? Or were they persons who sought to engender a spirit of dissatisfaction in the country, placing the poor in open hostility with the rich; or did they put forth such arguments as would induce persons to suppose, that through them, and them alone, national regeneration was to be effected? He would leave the House to answer these questions for themselves. What was the interpretation to be given to the whole of their proceedings? He would leave the House to say, whether it was not that the Ministry be formed out of themselves. Without the gift of prophecy he would say, that if the change contemplated by the Unions were carried into effect, they would soon call one of their own body to the seat at the head of the Treasury. [*Name*]. If he were called upon to name he would say the hon. member for Birmingham, and after his late services in the cause of agitation, the hon. and learned member for Dublin would probably have the Seals. Perhaps as a Catholic he could not fill such a situation, but no doubt the Unions would consider that he deserved it. If, however, the Unions should prevail, the existence of law would be no impediment to their appointments, and then Mr. Parkes and Mr. Edmonds, two legal gentlemen of Birmingham, might hold the situations of Attorney and Solicitor General. Then some place must be made for a gentleman who was a most careful preserver of the public peace—he meant Mr. Larkins; and the Secretary for Ireland would in all probability be Mr. Steele. These appointments would, certainly, appear to be extravagant as well as absurd; but what could be so extravagant or absurd, that the majority of the people would not resort to it to secure their own dominion, and destroy the laws, the Constitution, the religion, and the monarchy of the country? If the Unions could succeed in inducing the Sovereign to act upon their advice, the appointments to which he had referred would not be either absurd or extravagant. He would admit, for the sake of argument, that these Councils of the Political Unions were able, independent, and filled with patriotic ardour; but, as long as their power was only based upon the breath of popular enthusiasm, no man could deny that Revolution would be the natural consequences of their mob dominion. Such a dominion would be much worse than Universal Suffrage, Annual Parliaments, and the Vote by Ballot. The breath of popular enthusiasm was the groundwork of the Political Unions, and they were framed upon the model of those Jacobin Clubs which prepared the way for the French Revolution. Could any man in his senses mistake the repeated allusions to the fate of Charles 1st—of the disuse, if not of the abuse, of the aristocracy—and the utter subversion of the monarchy? His design was to show, that the Political Unions were both unconstitutional and illegal, and had for their object the legislative and executive power of this country. The hon. Member here quoted several passages from speeches delivered at various political meetings in justification of the opinions which he had just stated to the

House. The speakers at these meetings recommended the people to use what they called moral intimidation. They told their auditors that a representative government could only be maintained upon a democratic basis, and that the people should, with a voice of thunder, call out for Annual Parliaments, Universal Suffrage, and Vote by Ballot. Now, he would ask, was this consistent with the law? [Mr. *O'Connell*: Quite]. Why, these Political Unions held up the example of republican America to the applause and imitation of the people of this country; and they told them, that while America was free from debt England was oppressed by both debt and taxes. These speakers again set forth, that a Constitution to be good and sound must be based on democracy, and, as he had just said, they invited the people to make their demands in a voice of thunder. They also inculcated the doctrine of passive obedience to the Councils of the Unions, although he was aware, that such an assertion might be denied by the abettors and supporters of those Unions. In this country, however, a strong Conservative feeling prevailed. Well, then, he would say a strong, independent, and manly Tory feeling to uphold the laws and constitution of the empire. He considered that the object at which the Unions aimed, was to produce a revolution, although he would admit, that revolution was now at a discount in several of the States of Europe. In France and Belgium revolutions had recently taken place, or if not revolutions, at all events a change of dynasty. A similar attempt was made in Portugal, but as yet the legitimate Monarch had maintained his throne. When the last French Revolution occurred, the hopes of the Jacobins were raised, popular excesses were the consequence, but they were ultimately put down by the only possible and justifiable means—by the musket and the bayonet. But in the case of France and Belgium the Revolutions were of a Conservative character, notwithstanding the changing dynasty. Life, liberty, and property were secured, and the dungeons were no longer filled with the victims of despotism or of republicanism. On the other hand we were not now legislating as it were *pro aris et focis*, the enemy was not now exactly at our door; but yet he thought the time had arrived when the Parliament should legislate against the existence of Political Unions. It was high time that such nests of perdition should be extirpated, and he was confident, that there was so much of evil and malignity in their frame and constitution as would justify the Resolution which he had to propose to the House. He trusted, that a majority of this House would condemn the Political Unions, and if the majority did not he was sure the majority of the country would. He hoped that the spirit of liberty would always prevail in the British empire, but that the spirit of French anarchy and confusion would never exist amongst us. He wished to be as concise as possible in the expression of his opinions, and he would say, that the point, after all, came to this, not whether the Unions were illegal or not, but whether they were not attended with such imminent and pressing dangers as loudly demanded their being put down. He had no party feelings to gratify in submitting his Resolution to the House. It was only prospective, and had no retrospective tendency whatsoever. If the existing laws did not enable the Government to put down these Political Unions, he for one would be at once ready to arm the Government with fresh powers to do so. The law should give equal protection to all classes of his Majesty's subjects; the Unions, however, had usurped a dominion over the law. Even supposing that these Political Unions were not formidable as a political body, they ought to be put down as local nuisances, for, at present, it was necessary for everybody in their neighbourhood to be of their mind, or woe be to him. At several elections, occurring near places where those Unions existed, they marched in bodies to the hustings; and not only did any gentleman, who appeared to be opposed to them, run the greatest risks, but all his friends became marked men, and were constantly in fear of the consequences of their independence. Indeed, several gentlemen who had communicated very serious complaints to him on the subject, had earnestly requested him not to mention their names, lest they too should become "marked men." It was, therefore, incumbent upon Parliament to take some steps in this matter, at any rate, for the protection of individuals. The non-suppression of these bodies, too, would inevitably give rise to faction; for, if Ministers refused to interfere, rival confederacies must be formed for self-defence. He was no friend to the Conservative, any more than to the Jacobinical Unions, considering, that the only Political Union should be the British Parliament, and if the latter bodies were suppressed, he would lend every assistance to suppress the others; but he repeated, if no steps were taken for the protection of the description of individuals he had just mentioned, they must form into societies as a matter of self-defence. It was said, that this mention of the Political Unions was unnecessary and injudicious: that they were fast dwindling away, and would soon expire of themselves; and that therefore any notice of them merely had the effect of giving them a certain degree of consequence. It was very true, that they were dwindling away, but still the circumstances of the times were such, that no ashes should be allowed to remain in which the spark of revolution might be kept smouldering. The most appalling disturbances, predial and civic, had been the result of these Political Unions, and, he repeated, although they might not be, and were not, so formidable by any means as they were two years ago, yet, at the same time, they were not so insignificant as to render it a matter of no consequence that this House should, indirectly, sanction their existence. Besides, the Resolutions he had to propose were very innocent and harmless, and he could not conceive that the House would refuse to agree to them. The House had inadvertently given, as it were, a prescriptive legality to these Unions; and it was therefore due to themselves that they should pass a Resolution, declaring that such bodies as these did not exist with parliamentary sanction. This was not a time to dally with fire. Things were in such a state all over the world as rendered it imperative on us to preserve the utmost possible internal power. If we once allowed of internal convulsion, total ruin would be the speedy and inevitable result. He considered, that the institutions of the country were not only necessary for the safety and happiness of the 100,000,000 of his Majesty's subjects, but these institutions concerned the liberties and happiness of all Europe. Those, therefore, who under any pretence sought a purpose inimical to the British Constitution, were not only the enemies to the liberties of their own country, but they were the enemies of the whole human race. The hon. Gentleman concluded by moving his Resolutions.

Mr. *Plumtre* seconded the Motion, which he did with the greater pleasure, inasmuch as it had been said in another place only a few days ago, that Political Unions were inconsistent with any plan of good Government. It was also said, that the law was sufficient to put them down, and if it were not, he would be willing to strengthen it, for, he believed, that there would be no disinclination in the Ministers to put the law in force. The people had no right to form such Unions as the means of obtaining redress, for they had the right of petitioning. They had no right to form and organize themselves into permanent political bodies. The King, Lords, and Commons, formed, he might say, a Political Union; and with their power these other Unions were inconsistent. If they were permitted any longer to exist they would destroy the deliberative power of Parliament, and, that once destroyed, of what use could the Parliament be to the country? It was easy to account for the origin of these Unions, which happened in consequence of the discussion which took place for the abolition of the rotten boroughs, which was so pertinaciously resisted by a certain party in this country. The existence of these Unions then might be justifiable; but the Reform question having been carried, and the rotten boroughs destroyed, there was no longer any necessity for their continuance. In fact, these Unions constituted an *imperium in imperio*; and, as such, he would oppose them. He was ready to promote every object of useful Reform. He had offered himself to his constituents as the friend of liberty, but the enemy of disorder; they had accepted him on these terms, and he should be always ready to put down disorder of any kind. He must tell his hon. friend the member for Stamford, that his Resolutions went to give Conservative Clubs a severe blow as well as Political Unions; and certainly, if those Clubs were to oppose all Reform, and were to lift themselves up against the spirit of the age, he, certainly, should not be sorry to deal a very heavy blow at them. The hon. Member concluded by seconding the Motion.

Lord *Althorp* said, that the hon. Gentleman who brought forward this Motion, assumed, throughout his speech, that the Political Unions were illegal assemblies; but, from all the information which he had been able to procure on the subject, he did not think that they could, in their present form, be said to be illegal. The hon. Gentleman had, in proof of his assumption, quoted the Proclamation issued by his Majesty two years ago; but, he entirely overlooked the particular circumstances which then existed. The Proclamation was issued against those Political Unions which assumed a right to organize their members upon a military principle, and even avowed their purpose of taking up arms. That certainly was a most illegal proceeding upon the part of those bodies, and against that the Proclamation was directed. Such was not the case at present. The appearance of the Proclamation had warned the Political Unions, as it was intended, to take care, and the illegal course had been abandoned. The hon. Gentleman wished him to say, whether, he thought, the prevalence of Political Unions and the spreading of those bodies growing into great power, was not detrimental to the Constitution, and, certainly, he was ready to say, that the prevalence of such Unions was not devoid of danger to the Constitution. But the hon. Gentleman said, and in that he cordially concurred, that the general feelings of the people of this country were conservative—that the feelings of the great majority of the people were in favour of supporting our present institutions—of preserving them, but, in preserving, to improve them, and, by continual improvements, to make them even more worthy of being preserved. That was, he admitted, the general, he might say almost the universal, feeling of the people. In every large and mixed society like ours there would be, and no doubt were, persons who took a different view from this, but they were in this country very few. Before the House adopted the Resolution proposed by the hon. Gentleman, it ought to be satisfied that there was great danger of these revolutionary views spreading—a greater danger than at present any man supposed to exist. He conceived the hon. Gentleman's Resolution uncalled for, and he certainly could not agree to it, particularly the first part, which was incorrect. The Resolution stated that these Unions were illegal, and he did not believe that they were. With respect to the other part of it, he did not see the advantage of the House giving any opinion on the subject. It was for him a great satisfaction to think that the feelings of the country were in a state of great excitement at the time the Political Unions arose and were extended; they had been preserved and extended subsequently by a continued and even increased excitement; but he was happy to concur with the hon. Gentleman in believing, that, in the present state of the country, their power was diminishing from want of excitement. For himself, he was not speaking out of any partiality to Political Unions, for of all the persons who entertained political opinions, there was no political party more hostile to the present Government than the Political Unions. He, therefore, did not come forward out of any partiality to those Unions; and what he said could not be charged to that motive. The hon. Gentleman said, that Political Unions had interfered at elections, and had prevented those from being elected who ought to have been elected. Certainly, he must admit, that Political Unions had interfered with elections, and, he might say, had endeavoured to prevent the proper persons from being elected; but their exertions had not always been directed against the Gentlemen opposite or in favour of those who supported the Government. He had seen some of the Gentlemen opposite glad of the assistance of Political Unions on a late occasion. The hon. Gentleman had adverted to a sort of a programme of an Administration suitable to these Unions, and had stated the names of those Gentlemen who were to hold offices in the State. The hon. Gentleman said, it was one of their great and peculiar objects to get their own party into power; but, he believed, that no political party ever existed, which did not wish to have an Administration formed of those persons who held their own opinions. Upon the whole, he thought the question was hardly one to speak seriously about; but he felt it to be his duty to give the Motion a direct negative.

Mr. *Cobbett* rose to say a few words, as he might, perhaps, be suspected of having organized these Unions. He wished that the hon. Gentleman had made out some harm or some mischief these Unions had done. He should like to know what they had done to make them so distinguished. Since they had been established, there had been a great many riots in the country, but in no one instance had the Political Unions taken part in those riots. At Bristol, in particular, the Political Unions had laboured, and laboured continually and successfully to prevent, and had prevented the riots going further. What, then, had the Political Unions done? There were great difficulties and great embarrassments in the country; there were various things which they all wished to make better; there was a great deal of distress in the country, and a great deal to deplore; but would any hon. Gentleman say, that the Political Unions had produced those evils? While the hon. Gentleman had been speaking, he had set down a few of the causes of these things, and if the Political Unions had produced them, the hon. Gentleman should have gone a great deal further. If the Political Unions had caused the Bank stoppage of 1797—if they had caused the twenty-two years war carried on against France to put down liberty—if they had caused the American war, which added 72,000,000*l.* to our debt, and which ended, as few wars did, in our disgrace—if they had passed the famous Bill of 1819, which doubled all the taxes—and if they had, by partially repealing it, caused the panic of 1825, 1826—if they had made it necessary, after eighteen years' peace, to keep up a force of 100,000 men—if they had given 600,000*l.* among 113 Privy Councillors, and Pensioners, and Servants of the State—if they had given a multitude of pensions and sinecures to idlers, starving the industrious people—if they had given Mr. Burke a pension, which had been enjoyed for thirty-three years, and long after his death, till it amounted to 90,000,000*l.* —he meant 90,000*l.*—if (and he quoted it only as a specimen) the Political Unions had given a man a pension for twenty-one years for being Chargè d'Affaires at Florence for five months—if they had given a man a pension of 230*l.* per annum for five months' service, while that gentleman was also a parson, and held two livings—he would not take the part of the Political Unions. If the Political Unions had made the debt 800,000,000*l.*—if Political Unions had done all or one of these things, he should say, put them down—let them be trampled to the earth under the feet of the people, and let the name of Political Unions be accursed for ever.

Mr. *Methuen* had seen something of Political Unions in his own county, and could say, that he had never on any occasion witnessed them engaged in an act of riot, or ever knew them guilty of an incivility. If Political Unions were to be put down, they must also put down Conservative Clubs, for they were also an obstacle to the execution of the law, and wished, he believed, to take the Government of the country into their own hands. If the Political Unions offended, the law was strong enough, he believed, to put them own.

Mr. *O'Connell* would not have trespassed on the House, had he not been personally alluded to by the hon. Gentleman who brought forward the Motion, and to whom he felt grateful for the office he had bestowed on him. As the hon. Gentleman had called on him, he would state his opinion. He believed that these associations were legal, and the Motion of the hon. Gentleman was the most unjust and silliest Motion he ever heard of. It first declared these meetings illegal, and then it said, that the Ministers would not be to blame if they punished what the hon. Gentleman called illegal Unions. That was something new, to call on the House of Commons to resolve that the Ministers would not be to blame for executing the law. But the Resolution was unjust, for it determined that certain things were illegal. It declared that some persons, who had not been tried, who had not even been committed, were guilty of an illegal act. If the hon. Gentleman got his Resolution passed to-night, he might to-morrow post off to Birmingham and hand the Resolution of the House of Commons to the Magistrates, declaring the Union there illegal. Would it be right in the House of Commons to pass a Resolution to-night that the men who were to be tried at the Old Bailey to-morrow or next week, had behaved illegally? That would not be decent in Parliament, and might bring the House into some danger. They had heard something of a coalition between the Conservatives and the Political Unions not far from Stafford, and some comparison had been made between a monkey and a bear. He too had heard of showmen. One went about with an elephant and a calf, and when he was asked which was the elephant and which was the calf? he replied, "Which your honour pleases." The hon. Gentleman had been taking lessons from these showmen. They travelled sometimes, and the hon. Gentleman had met with one of them who had been abroad, and he told the hon. Gentleman that there were two principles struggling for mastery on the Continent—despotism and superstition. It was a pity he did not also tell the hon. Gentleman that these were not the only principles struggling for power on the Continent—that there were also cant and hypocrisy—religious cant and political hypocrisy. He could tell the hon. Gentleman that these, too, were rife on the Continent, and that they forced themselves into high stations and high offices for no other reason but because they stuffed themselves out into importance. Being in office, they made a great parade of their piety, and busied themselves meddling in every other man's affairs. They allowed no difference of opinion to pass unnoticed, and condemned one man as an Atheist, and another as an Anarchist. They dealt in foul names and much abuse. We had none of these in England. There was no cant, no hypocrisy here. The hon. Gentleman had never heard of them before. But if they were imported here, what could they do? They would be sure to overlook the beam in their own eye—to point out the mote in the eye of another. The Charles-street Society, the Conservative Club, the Orange Lodge, would be overlooked, and the hon. Gentleman would pounce down on the lowly Political Unions — those Unions which had turned out of that House, and kept them out—the nominees of the oligarchy. He considered it fortunate for the country, that it yet possessed Political Unions, for they were ready again to support the Government, should that other collision come by which freedom was threatened, and to which he would not further allude, than to say it was threatened by a Conservative Club in another place, which sought to change the councils of the country. The Political Unions might be more necessary than ever if that collision should come, and they would again protect, as they had before protected, the liberty of the country, and would preserve the principles of our free Constitution.

Mr. *Halcombe,* amidst calls of "question," said, that these Unions were illegal.

Mr. *Walter* was neither a friend nor an enemy to Political Unions; for he was certain that their merit or demerit must entirely depend upon the nature of the object which men unite for the purpose of obtaining. That object being beneficial, then, he was thoroughly convinced that the best method of obtaining it was by Unions; and all the maxims which they had ever heard of the advantages of unanimity and concord would apply; for individual and detached efforts could do but little. A Union, however, which the present Motion induced him now to bring under the notice of the House, was not of that laudable character, but was a Political Union of a most mischievous nature and tendency. In the county which he had the honour of representing, a Political Union had been formed for an object which he had no hesitation in describing as in a high degree factious and improper. It was a Union of the Magistracy chiefly, to raise a sum of money to be expended in defraying not only the cost of registering the voters who were admitted upon the register in last November, but also the cost of placing on the register every succeeding year such voters as might be friendly to their views; and, though such was not expressed to be their intention, he feared there could be little doubt that one of their objects was to keep off such voters as might be deemed unfriendly to their interests. He held in his hand a letter from the acting Secretary of this Political Union, who was also a Magistrate of the county, which, with the permission of the House, he would read:—

Hurst Lodge, Maidenhead, Berks,
April 28, 1833.

DEAR SIR—At a numerous Meeting of Gentlemen of the County, which took place yesterday at the Bear Inn, Reading, (Mr. Benyon de Beauvoir in the Chair), to consider the propriety of paying strict attention to the registration of the voters in this county on all future occasions, and to examine into the expenses caused by their original enrolment, it was resolved (among other Resolutions, which I hope shortly to have the pleasure of sending you post free), that it was highly unjust and unfair that the whole expences attending the original registration of voters, which is to serve as the guide and basis of all future elections, should be imposed on those gentlemen who happened to be candidates for the representation of the county at that particular period, and that a subscription of sums of moderate amount, varying from 30*l.* to 10*l.*, should be made by such proprietors of lands and estates in the county as may think fit to assist in defraying the expenses of registration itself (unavoidably incurred by Mr. Palmer and Mr. Pusey), and which were wholly distinct from, and unconnected with, those attending the election.

I was directed by the Meeting to ascertain your sentiments on the subject, and I shall feel much obliged by as early a reply as convenient, addressed to this place.

I am, dear Sir, very faithfully yours,
GEORGE HENRY ELLIOTT.

Now, if Unions of this kind were suffered to exist on the subject of registration, they could only be met by Unions on the other side, and every county must become a scene of political intrigue from one election to another. The combination of which he had just presented proofs to the House he had reason to suppose, however mischievous in spirit, had not altogether succeeded, as many of the parties applied to for money, had declined complying with the requisition. He repeated, however, that if one set of Unions were suffered, another must take place as a counterpoise; but, in any case, the unconstitutional character of this particular Union could not be doubted.

Mr. *Forster* observed, that at all events the proceedings of the Political Unions alluded to by the hon. member for Berkshire were not accompanied by any breach of the public peace; but he (Mr. Forster) could name another Political Union—that of Birmingham—which had not only attended the election for the borough which he represented (Walsall), but actually employed on that occasion the influence of physical force in favour of the candidate whom they supported. The members of that body were active promoters of the breach of the peace and outrages which ultimately took place at Walsall; but, for his own part, he hoped speedily to see such unconstitutional interferences put a stop to. These Unionists held out to the people that to support their peculiar doctrines would tend to produce a plentiful supply of roast beef and plum-pudding. They had also made the pot-house, instead of the Church, the resort of the poorer classes: and substituted a Sunday newspaper in the hands of the poor for the Bible. These, however, were subjects on which it would be unwise to legislate, but he thought, if the public were furnished with some explanation with respect to the application of the pence given to support such societies, the gullibility of the system would be made so manifest that their existence would be speedily terminated. This being his opinion, he must entreat his hon. friend to withdraw his Motion.

Mr. *Finch* had been induced to bring the subject forward solely on account of the situation of the country and the aspect of our affairs abroad; but as the discussion which had taken place had convinced him that such Unions were so contemptible as to be wholly unworthy of notice, he should on that ground consent to withdraw his Motion. The hon. and learned member for Dublin had thought fit to stigmatize the Motion as a silly Motion. This was not very courteous, but although not a professional man he would defy any lawyer to deny that such associations were illegal. He must, however, express the surprise which he had felt on hearing the noble Lord opposite advocate the cause of Political Unions. [Lord *Althorp*—No, no.] At all events the noble Lord had expressed himself friendly to such Unions. [Lord *Althorp*—No, no.] The noble Lord had, at least, seemed favourable to them, and he must say that he had not expected to have witnessed such a display of disunion in the Administration as evidently existed. Indeed such difference of sentiment had never before been exhibited in Parliament as would be found in the opinions that night expressed by the noble Lord and those delivered a short time ago by the Lord Chancellor, who expressly declared that Political Unions were not only most pernicious in themselves, but contrary to law. The contrast between the opinions of Ministers was not only striking but instructive, as illustrating the materials of what the present Government was composed. But the hon. and learned member for Dublin had defended the legality of such associations, and asserted that they were formed for the preservation of the liberty of the people. He had said, that to put them down would be to curtail public liberty; but if such bodies had the effect as had been alleged of intimidating the Upper House of Parliament from the faithful and honest performance of its duties, their existence was as much a violation of public liberty as anything he could well conceive, although the noble Lord opposite had declared that he did not consider them to be illegal.

Lord *Althorp* had undoubtedly stated that he did not consider Political Unions, as at present existing, illegal; but he added, that if they were to become more extended, and to gain greater power in the country, they would then be detrimental to the Constitution.

Mr. *Thomas Attwood* assured the House that the conduct of the Birmingham Political Unionists at Walsall was in every respect orderly and good, and that the statement regarding them made by the hon. member for that borough was most unfounded. This he undertook to assert from his own observation, having been in Walsall at the time. Not 1*s.* had been spent by the Political Union during the Walsall or any other election; and, instead of being violators of the peace, the members of that body were grossly attacked by the soldiers, police, and hired ruffians by whom the outrages alluded to were committed.

Mr. *Littleton* said that, as one of the Representatives of the county, he was, from the information which he had received, enabled to say that it was not only his own individual belief, but the impression of every respectable man in Staffordshire whose testimony was well worth having, that the conduct of the Birmingham Political Unionists during the election for Walsall was most outrageous. He must say that he could not credit the statement that the conduct of the members of that association was not influenced by their leaders, for it was notorious, that in the district in which the hon. member for Birmingham resided he was regarded as anything but an apostle of peace.

Mr. *Hume* had seen a petition on the subject of the outrages at Walsall which gave a different version of the affair, and from the correspondence he had received upon the subject, he was disposed to think that the outrages complained of were not committed by the Political Unionists, but by the friends and adherents of the hon. member for that borough.

Mr. *Forster* would abstain from going into a recital of the transactions at Walsall during the election; but had not placards calling for the interposition of the Unionists been distributed in all directions for more than a week prior to the day of nomination? If their object was not to intimidate, he knew of no other motive which would account for their attendance, when they were for the most part strangers and had not a right to vote. With respect to the Petition alluded to by the hon. member for Middlesex, all he could say was, that he had attended for six weeks in the hope that its presentation would afford him an opportunity of refuting its statements, which had been circulated to the prejudice of his supporters. The Petition, however, had not been presented.

Mr. *Thomas Attwood* said, that, although he did not assume the high character of an apostle of peace, he yet was the friend of peace, law, order, and humanity. Indeed his Majesty's Government had themselves on two occasions, congratulated him on the effect of the exertions which he had used to preserve peace and order.

Mr. *Littleton* said, it was only justice to the hon. Gentleman to admit, that on the two occasions to which he referred, namely, May and November, he certainly had been mainly instrumental in preserving the public peace.

The House divided—Ayes 8; Noes 78; Majority 70.

List of the AYES.

Blackstone, W. S.
Callander, J. H.
Dare, R. W. H.
Gaskell, J. M.
Gladstone, W. E.
Plumtre, J. P.
Price, R.
Talbot, J.

TELLERS.

Buller, C.*
Finch, G.

List of the NOES.

Aglionby, H. A.
Althorp, Lord
Attwood, T.
Baring, F. T.
Barnard, E. G.
Beauclerk, A. W.
Beaumont, T. W.
Blake, I.
Brodie, W. B.
Brotherton, J.
Blamire, W.
Butler, P.
Calvert, N.
Campbell, Sir J.
Cobbett, W.
Cornish, J.
Dashwood, G. H.
Divett, E.
Ellice, E.
Evans, W.
Faithful, G.
Fielding, J.
Finn, W. F.
Gaskell, D.
Grote, G.
Halcomb, J.
Hardy, J.
Harvey, D. W.
Hay, Colonel L.
Heathcote, G.
Hill, M. D.
Hume, J.
Horne, Sir W.
James, W.
Jervis, J.
Kennedy, J.
Lister, E. C.
Littleton, J.
Lloyd, J. H.
Maxwell, J.
Methuen, P.
Molesworth, Sir W.
Mullins, F. W.
O'Dwyer, A. C.
Oliphant, L.
Parrott, J.
Perrin, L.
Phillipps, Sir G.
Philpotts, J.
Potter, R.
Poulter, J.
Roebuck, J. A.
Russell, W. C.
Ruthven, E. S.
Ruthven, E.
Scholefield, J.
Scott, Sir E.
Shawe, R. N.
Smith, R. V.
Spankie, Sergeant
Stanley, E. G. S.
Staunton, Sir G.
Scrope, P.
Talbot, J. H.
Talbot, C. R. M.
Tancred, H. W.
Tennyson, C.
Todd, J. R.
Tooke, W.
Tynte, C. T. Kemyss
Tynte, Kemyss, Col.
Vigors, N. A.
Vincent, Sir F.
Vivian, Sir H.
Walker, C. A.
Walker, R.
Wallace, R.
Walter, J.
White, S.
Whalley, Sir S.
Williams, W. A.
Wood
Wood, Alderman
Young

POOR LAWS (ENGLAND).] Mr. *Halcombe* said, he rose to call the attention of the House to the state of the Poor-laws as they now existed in England. It might be thought, that he was acting prematurely in bringing the question forward before the commission on the subject had terminated its labours; but, having devoted many years to the consideration of those laws and the abuses that existed under them, he was anxious to bring the question forward, and at as early a period as he possibly could. From the report of the commission, he inferred something like a recommendation, that a national or central board should be established for the general administration of the Poor-laws; but for his own part he did not think such a course would be expedient, much less desirable. And indeed it was his opinion that the government of the poor, and the application of the funds for their relief, should be left, as at present, to the different parishes, but under an altered state of circumstances. That change was necessary no man could deny who was at all aware of the mode in which the Poor-laws were at present administered; and that the system was bad and demoralizing, must be admitted. The defect, however, was not so much in the law itself, as in the manner in which it was abused. The law of settlement was highly defective, and there were other evils connected with the system which were not only demoralizing to the poor, but cruel and oppressive. His object was, if possible, to return to the wholesome provisions of the 43rd of Elizabeth, and to consider what description of persons were the proper objects of the Poor-laws. Able-bodied labourers when out of employment claimed, under the existing system, parochial relief as a right, but he was prepared to demonstrate that they had no claim whatever upon the poor fund. He should divide his proposition under two heads, distinguishing one class as paupers, and the other as poor, for he intended by and by to show the distinction which existed between pauperism and poverty, and the manner in which each class ought to be treated. For the maintenance of paupers he would provide a compulsory parochial rate, but for the relief of the poor he would have a rate collected according to circumstances, in augmentation of which he would oblige each labourer between the ages of eighteen and twenty-five, while in employment, to contribute a shilling per month out of his earnings. This plan he conceived would give independence to the labouring classes, by establishing a fund themselves to provide for their own necessities. And although it might appear unwise to compel the labouring poor to make this compulsory contribution, yet it would be found, on examination, that instead of coming out of their pockets it would operate as an indirect tax upon the proprietor of the soil. It was idle to expect, that the poor in this or any other country could hope for more than a bare maintenance, and while they were able to obtain that by their own exertions, he could not consider them fit objects for parochial relief. Poor laws were established for the protection of the old, the infirm, the sick, and also for the relief of those casual objects who were brought to distress by misfortunes. He contended that widows and children, the wives of persons in the army and militia, women having under certain circumstances illegitimate children, and wives and families deserted by their husbands and fathers, were all within the scope of the Poor-laws, and ought to be relieved out of the parochial fund for the maintenance of the poor. He would not have the management of the poor, as at present, placed under overseers; but he would name guardians of the poor in each parish, and allow them full discretion as to the distribution of the fund to be placed in their disposal. He wished also, that instead of compelling parties to reside in a poor-house, they should, if they thought fit, be allowed to live wherever else they pleased, provided they claimed no more than 1*s.* 6*d.* per week for the payment of their lodging. The system adopted in all workhouses at present was to separate the husband and wife. The reason for this arrangement was sufficiently obvious, but he contended, that in this particular, overseers acted not only in violation of the law of God, but contrary to the law of the land. The worst consequences resulted from children being placed in the promiscuous society of a workhouse, where there was no classification of ages or dispositions, and no masters and mistresses to attend to their religious or moral instruction. He would therefore propose that no children of tender years be admitted into the common workhouse at all. He proposed also, that monthly lists of the names of all paupers and the sums they received should be published; and he anticipated that the dread of appearing in that degraded list would stimulate many to guard against neglecting to provide for themselves or for their wives and children. The next point he had to propose was that of a provision for orphans who had lost both father and mother, and therefore were more peculiarly the objects of the public interest and care.

---

* Mr. Buller demanded a division contrary to the wish of the mover, and the Speaker appointed him one of the Tellers, and he was compelled to do that duty though adverse to the motion.

Mr. *Fergus O'Connor* said, as such an important matter should not be lost upon so thin a House, he begged to move that it be counted.

House counted out.

* * *

HOUSE OF LORDS,

Friday, June 28, 1833.

MINUTES.] Bills. The Royal Assent given by Commission to the following Bills:—Stamp Duties' Repeal; Militia; Ballot Suspension; Sewers; and a Number of Private Bills.—Read a third time:—Exchequer; National Debt; Sergeants' Inn Agreement.

Petitions presented. By Lord WYNFORD, from Parts of the Parish of Lindsay, against some Clauses of the Local Jurisdiction Bill.—By the Bishop of LONDON, from the Clergy of the Diocese of Chester, against the proposed Measure of

Church Reform (Ireland).—By the Earl of RODEN, from Dublin, for a Better Observance of the Sabbath; from Wicklow, for taking the Protecting Duty off Sugar produced by Free Labour, and from a Number of Places, for the Immediate Abolition of Slavery.

LAW COMMISSION (SCOTLAND).] The Earl of *Aberdeen* said, the noble and learned Lord on the Woolsack had more than once stated in that House, that it was the intention of his Majesty's Government to institute a Commission to inquire into the laws of Scotland, similar to that which had been appointed in this country. From the noble and learned Lord's speech, the other night, he was led to suppose that the constitution of the Sheriffs' Courts would form one object of the inquiry to be set on foot by that Commission. But perhaps the noble and learned Lord would have no objection to state generally to what objects that Commission was to direct its attention. He was not disposed to deny that such a Commission might be productive of very great advantage to that part of the country; but, of course, its efficacy would rest mainly on the manner in which it was formed and sent forward. It was a perfectly natural conclusion that, unless it possessed the confidence of the country and of the profession, its suggestions would be of little avail. It ought to be composed of men of learning and ability, not only capable of discharging their important duties satisfactorily, but well understanding the present state of the profession in Scotland, which, he believed, was perfectly well known to the noble and learned Lord. Perhaps the noble and learned Lord would now state, generally, what the nature and the object of the Commission were.

The *Lord Chancellor* said, he had no objection to state, so far as his recollection served, the general nature of this Commission. The body of the Commission itself would, however, point out its nature and object very clearly. In the Commission the object was plainly defined, and that, he thought, would answer the purpose of the noble Earl more precisely than any statement made by him. But, in the mean time, he would state, for the satisfaction of the noble Earl, the principal objects to which the attention of the Commission was to be directed. In the first place, it was to inquire into the best and most judicious means for diminishing the expenses of law proceedings, especially with respect to fees of court. Next, it was to inquire into certain arrangements which had been made with respect to the subordinate officers of the superior Courts. Another object of the Commission—and it was a very important one, both to the noble Earl and to the landed interest generally—would be an inquiry into the best mode of simplifying the system, and diminishing the expense of conveyancing. Upon that subject great complaints had existed for a long time. Connected with this inquiry there was another object to which the noble Earl had alluded—that was, an inquiry into the jurisdiction and practice of the Sheriffs' Courts. That would be instituted with a view to ascertain whether an extension, or otherwise, should be recommended with reference to that jurisdiction. He thought that the result would not be the extending of that jurisdiction, and possibly it would be the very reverse. The experience he had had in those matters led him to think that, when cases of a certain kind were brought before these courts, they were afterwards, in many instances, carried before the Court of Session, and a very great expense was created. He was perfectly aware that in a proceeding of this description much depended on the persons appointed to act as Commissioners; and Government had adopted, as nearly as they could, the plan which had been laid down in the appointment of the English Commissioners. Men of great knowledge and of extensive practice—men who had spent their whole lives in the study of the law, and particularly in those branches of it which it was deemed particularly necessary to inquire into—would be selected. There was another branch of the profession—namely, conveyancers—individuals who had not been called to the Bar, but whose assistance would be most valuable, and from that class also selections would be made.

LOCAL JURISDICTION.] On the Motion of the Lord Chancellor, the House went into Committee on the Local Judicature Bill.

On the 37th Clause, restricting the Jury to six, and in case of numerous challenges giving to the Judge the power of filling up the Jury *de circumstantibus* being read,

Lord *Lyndhurst* opposed it. He contended that the number of Jurors retained in the superior Courts should be adhered to in the local courts, and he also argued that the right to try causes before Special Juries should be admitted.

The *Lord Chancellor* said, that if the number of Jurors were extended to twelve it was to be feared that in many districts they would be worn out. As to the second point, Special Juries had been excluded in order to avoid expense and to make the proceedings more simple. He was ready, nevertheless, to re-consider the subject of the number of a Jury.

Lord *Wynford* observed, that twelve Jurors were necessary in a superior Court, and, in his opinion, a greater necessity existed for continuing that number in these local courts. He was certain that the substitution of six for twelve Jurors would not be productive of any benefit.

Lord *Lyndhurst* thought that there was a disposition abroad to run down Juries in Government newspapers, and to speak of them as Government Juries.

The *Lord Chancellor* supposed, then, that Government Juries were spoken of in the sense that Government newspapers were sometimes mentioned—because they always attacked Ministers.

The Clause agreed to.

On the 41st clause, imposing a penalty on witnesses refusing to be examined being read,

Lord *Wynford* opposed it. Suppose a man (an agent or an attorney) was summoned to produce papers, and refused to do so, was he to be punished? Was the Judge to say to him: "Produce those documents you must," although, by so doing, he might violate a sacred trust? According to this clause, however, a man refusing to give what might appear to the Judge a satisfactory answer was to be committed to the county gaol or to the house of correction. He did not know whether their Lordships would not be liable to imprisonment under that clause. He was aware that, in cases of debt, they could not be imprisoned; but he knew not that their privilege would protect them against what might be deemed a contempt of Court. If a party were committed for contempt by the Judge of a local court, there was no appeal—no writ of *Habeas Corpus* to relieve him. He objected to the clause as it stood, and proposed to strike out that part of it which gave the Court a power of imprisonment, for a refusal to answer questions which it might be inconsistent with the duty of an individual to answer.

The *Lord Chancellor* thought it a matter of course, that the court should have power to compel witnesses to give evidence. Every Court possessed such authority, which, indeed, was inseparable from its existence, and the due discharge of its functions as a Court of Justice. A Judge would not call upon a witness to prejudice himself by his evidence, or to produce books or papers which he might hold as the agent of another, or which, if produced, would affect absent parties. The Quarter Sessions had power to compel evidence—a single justice of the peace could commit for a refusal to give testimony. He had no objection after the words "books, papers, or writings," to insert in the clause "such as he may be lawfully ordered by the Court to produce." Probably this Amendment would reconcile his noble and learned friend to the clause.

Lord *Lyndhurst* objected to the terms of the proviso, "that no witness or party shall be compellable to answer any question which may tend to expose him to any penalty or criminal charge," on the ground that it was not so comprehensive as the law which it professed to interpret. The better course would be, to leave the common law as it stood, which extended its protection to witnesses much further than this proviso.

The Lord Chancellor assented to the omission of the proviso, and the clause as amended was agreed to.

On the Question that the 49th Clause stand part of the Bill, giving the Judge in ordinary power to examine upon oath the defendant against whom execution shall have issued,

Lord *Ellenborough* availed himself of the opportunity to object to the clause, as more objectionable than any which had yet been passed. He trusted that their Lordships had not yet forgotten the excellent observations made by a right reverend Prelate a few nights ago upon the impropriety of multiplying unnecessary oaths; but whether they had forgotten them or not, he would remind their Lordships that they ought not to subject an individual to the necessity of answering upon oath in matters relating to his own interest and property.

Lord *Lyndhurst* said, that besides the moral objection taken to this clause by the noble Baron, he had another objection to urge against it of a more formal character. On whom was the expense to fall of all these examinations before the local Judge, of seizing and dragging the individual before his tribunal, of committing him to prison, and of other processes, all of which were accompanied with great cost? There was no provision in the Bill to decide on whom this expenditure should fall.

The *Lord Chancellor* considered this clause as one of the most beneficial improvements of the law which this Bill contained. By means of this arrangement, he hoped that the country would be enabled to get rid of the system of imprisonment for debt. To examine a man upon oath on matters relating to his property was by no means an innovation on the law. He could be so examined both in the Court of Chancery and in the Court of Bankruptcy; indeed, no course was more common. Besides, in this instance, it was likely to lead to beneficial results, for if a man had property, and refused to give an account of it to his creditor, he would be severely punished. If he had not property, and answered the questions of his creditor fairly, he would be left in enjoyment of his liberty. If he refused to take the oath, he would be sent to prison, and, in point of fact, would be imprisoned for debt, as he was at present. Imprisonment for debt ought, in certain cases, to be continued, not, however, as a satisfaction to the creditor, but as a means of compelling the debtor to surrender his property, and to submit to the process of the Court. You ought to increase the facility of obtaining for the creditor the property of his debtor; but, when the debtor submitted himself to examination, and gave up his property, and was guilty of no fraud or no gross negligence, which the civil law very properly considered as equal to fraud, then, being an unfortunate, and not a guilty man, he ought to be left in the enjoyment of liberty.

Lord *Lyndhurst* reminded his noble friend on the Woolsack, that he had not given any answer to the question which he had put to him.

The *Lord Chancellor* said, that if a defendant was seized after execution, and taken before a judge, the costs of this process would be costs in the cause, and the defendant must pay them if he had property. If he had not property, they would fall upon the plaintiff.

Lord *Wynford* doubted whether these costs would be costs in the cause. He gladly availed himself of that opportunity to declare, that he concurred with his noble friend in thinking that imprisonment for debt ought only to be used to get at property, and to punish fraud in the mode of contracting debts.

The *Lord Chancellor* said, that in all cases where a creditor thought fit to seize his debtor, and examine him upon oath before the local judge, the creditor must judge for himself, whether he would or would not incur the cost of the process.

The Clause agreed to.

On the 57th Clause being proposed, which enacts that there be no writ of error, or *certiorari*, from these Local Courts,

Lord *Wynford* said, that he did not object to that part of the clause which said, that there should be no writ of error, but to that part of it which went to get rid of the writ of *certiorari*. It might be said, that the Bill would be neutralized if writs of *certiorari* from these Courts were permitted in all cases. He fully agreed in that proposition. The Amendment which he would propose would prevent a defendant from taking out a writ of *certiorari*, except in cases where he felt it his duty to himself and family to protect his character from local prejudices by appealing to the superior Courts at Westminster. In such cases he would be called upon to give security for the whole amount of the claim in dispute. In cases of tort, &c., where the amount of damages was uncertain, he would provide, that the defendant should put in bail to meet them. The noble and learned Lord then proposed to strike out the words "no *certiorari*" from the clause, and to insert, in their stead, an Amendment, to the effect which we have stated. He would now mention another Amendment of the same nature, which he would propose on a future occasion. He would strike out the clause which prevented actions for less than a certain sum from being brought in the superior Courts. He would leave the plaintiff at liberty to bring his action still in the superior Courts.

The *Lord Chancellor:* We have passed the clause, to which my noble and learned friend is alluding, long since.

Lord *Wynford:* Well, then, it was passed without his knowledge. He was not inclined to shut up the old shop because the new one was open; on the contrary, he would try both. He should propose, then, that when a person brought his action in the superior Courts, it should be tried at the same expense in the superior Courts, as it was now proposed to try it in the inferior Courts. He proposed, that in actions brought for debts under 50*l.* the fees to all the officers in the superior Courts should be the same as in the inferior Courts—that the pleadings should be the same in both Courts, and all the other forms of the suit. In case he brought his action for 50*l.* and recovered less, he would not deprive him of all costs, but would only give him the same amount of costs which he would have recovered in the inferior Courts, unless the Judge certified. He was a friend to the equality of justice, but unless this Amendment was adopted, there would be no equality of justice in this Bill.

The *Lord Chancellor* was strongly opposed to some of the projected Amendments of his noble and learned friend, but in all actions of tort, and in the nature of tort, he had no objection that the defendant should have a *certiorari* under certain restrictions. That part of the Bill had now, however, gone through the Committee, and he himself would, if the noble Lord did not, move an Amendment, according to his noble friend's wish, on the bringing up of the Report. In debt, however, no such power ought to be given, and as to plaintiffs, they could have no claim to this, as they had the option, in the first instance, to bring their cases before the superior Courts. There was this very great objection to another part of his noble friend's Amendments—namely, that of allowing two modes of proceeding, not merely different, but diametrically contrary to each other, in the same Courts. This would, if not utterly impracticable, be altogether disrelished by the profession.

Lord *Wynford* said, that all he was anxious for was, that the people of this country should have the power, if they wished it, of having their causes tried by a central administration of justice.

The *Lord Chancellor*, on bringing up the Report, would move an Amendment very nearly to the same effect with that relative to the *certiorari* proposed by his noble and learned friend.

Lord Wynford's Amendments negatived. The House resumed.

* * *

HOUSE OF COMMONS,
Friday, June 28, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. O'CONNELL, Copies of Reports of the Commissioners of Inland Navigation, and of Reports on the Harbour of Dublin presented by Order of the Director General of Inland Navigation, from 1800 to 1804.—On the Motion of Mr. TOOKE, the Number of Ships, and their Amount of Tonnage that have entered the Port of London, with Cargoes from Foreign Ports, in the years 1829, 1830, 1831, 1832, and the two first Quarters of 1833: and also an Account of the Bonding Warehouses in the City of London, and in the County of Middlesex in the Occupation of the East-India Company, and have been approved as Places of Special Security.—On the Motion of Alderman THOMPSON, an Account of the Amount of Duty paid for Advertisements by each Provincial Newspaper in England, from June 1832, to June 1833.—On the Motion of Mr. YOUNG, an Account of all Joint-Stock Banks in England that have Stopped Payment, or become Bankrupt, from 1824, to the present time; the same of Private Banks.—On the Motion of Mr. RUTHVEN, an Account of the Salaries and Emoluments of the different Clerks of the Peace in Ireland, during the last three years.

Bills. Read a first time:—On the Motion of Mr. SPRING RICE, Artillery Pensions.—On the Motion of Mr. R. PALMER, Scotch and Irish Vagrants.—On the Motion of Mr. CHARLES GRANT, East-India Company's Charter.

Petitions presented. By Mr. Alderman WOOD, from Preston, complaining of Irregularity at the last Election in that Place.—By Lord MOLYNEUX, from Hexham, for a Reform of the Church of England; from Toxteth Park, and other Places, against the Rating of Tenements and Highways Bill; from the Master Spinners and Manufacturers of Ashton-under-Lyne, for a Committee of Inquiry.—By Sir JOHN HAY, from Culross, against the Clackmanan, and Kinross Parishes Bill.—By Mr. FREDERICK SHAW, from Carrickfergus, against Disfranchising that Borough.—By Mr. MARK PHILIPS, and Mr. BROTHERTON, from Salford, and another Place, against the Apothecaries Bill.—By Mr. EWART, from Liverpool, for Admitting East-India Sugar, on equal terms with West-India Sugar.—By Sir HENRY PARNELL, from Dundee, for a Revision of the Law affecting Salmon Fisheries in Scotland; from the same Place, for the Repeal of the Soap Duties, and against any Alteration in the present Timber Duties; also against the Church Temporalities (Ireland) Bill; and in favour of the Factories' Regulation Bill; also for the Better Observance of the Sabbath.—By Mr. SHAW, from Dublin, for the Better Observance of the Sabbath.

DUBLIN STEAM-PACKET COMPANY.] Mr. *O'Connell* moved the third reading of the Dublin Steam-packet Bill. He said, it was not very usual that the third reading of a Bill should be proposed by any other than the Member who had been charged with its progress, but he moved the third reading of this Bill because he thought the subject was one of much importance, and one which he should himself have introduced to the House had he not been so much occupied with Committees. Active means had been used to procure an unusual attendance of Members at that early hour, but he hoped the House would give the Bill a patient consideration, and decide upon it according to its merits. He feared that something beyond private interest had prevailed, and that national hostility had been enlisted against the Bill. Well, he thought he could prove it. The chief objection to the Bill was, that it provided for limited responsibility; but there was an Irish statute, which permitted that in all companies, the object of which was not that of retail trade. That statute had been of so much service to Ireland, that many practical men regretted that it was not applicable to England also. The Dublin Steam-packet Company had been established upon that statute, but, wishing to have the privilege of suing and being sued, without being obliged to have recourse to Courts of Equity, which all men wished to avoid, the Company obtained a Bill in that House in 1828; and they now wanted merely an addition of 74,000*l.* to their capital, for the purpose of carrying the original Bill into effect. Surely no man would insist that, because of this, there should be any alteration in the framework of the Bill as it stood. When the present Bill was brought in, it was met with a spirit of rivalry and hostility by other Companies located on the Thames and on the Clyde, and after some opposition it was determined to except these two rivers, by a special clause, from the operation of the Bill; but when the Government became possessed of this information, it very properly objected to the interference of any private interests with a matter of public benefit, and the clause excepting the Clyde and the Thames was struck out. The opposition to the Bill was now renewed. The House should know, that before the establishment of this Company, the river Shannon, which was in many places expanded by extensive lakes, had never been properly sounded, so as to be made properly navigable without risk; and that this Company had caused proper soundings to be made, and already produced much improvement in the navigation of the river; so that flour which was now ground in Limerick, found its way, by water, direct to Liverpool. It was necessary that these improvements should be completed, and that quays should be erected at various parts of the river, to enable the farmer to bring down his produce, and to permit passengers to be landed from the steamers. As it was, many farmers had now to cart their produce more than a distance of fifteen or eighteen miles, although their farmsteads were within a quarter of a mile of the river. This was in consequence of the shores being composed of alluvial soil. Hon. Gentlemen should understand that the object of the Bill, was to render this beautiful river fully available to the people of Ireland, and then they would not permit it to be thrown aside by any jealous feeling.

Sir *Michael S. Stewart* had heard with deep regret the observations of the hon. member for Dublin, imputing national jealousy as a cause of opposition to the Bill. He most emphatically disclaimed any such feeling on his own part. The House certainly bore the appearance of having been canvassed, but it was not difficult to see in whose favour the canvass was most likely to be. He considered that the Bill of 1828 should not be brought forward as a precedent, because it was an exceedingly vicious one, as far as regarded the limitation of liability. With respect to capital, 225,000*l.* was the amount then stipulated, with a clause to the effect that there should be no addition to that amount. But the Bill before the House, in direct contravention to that clause, asked an addition of 74,000*l.* He opposed the Bill on this account, and also on the principle that all Companies should have a fair stage and no favour. If the Bill was intended as an improvement of the river Shannon, why was it not confined to that river? He moved as an Amendment, that the Bill be read that day six months.

Mr. *Richards:* The House could not be satisfied with the arguments of the hon. Baronet against the Bill, because they did not go to show that the Bill would be of any injury to the public. The fact was, it would be of public benefit. It was stated in a Report on the state of the river Shannon, in 1830, that these very improvements alluded to by the hon. member for Dublin were necessary, so that in promoting this Bill, hon. Members could not be charged with promoting a new or unnecessary object. He recollected also that the Report mentioned some of the improvements then carrying on by the spirited conduct of this very Company, and the Bill ought to be supported upon public grounds.

Mr. *Denis O'Connor:* Agreeing most sincerely in the observations of the hon. and learned member for Dublin as to the utility of the measure, he should give it his decided support. In 1828, when this measure was then before the House, the right hon. C. Grant, who was at that time President of the Board of Trade, gave it his assent; and when this Company last year sought precisely the same Bill as they at present did, no opposition was offered to it, except, he believed, by two of the subscribers to the Company, and in consequence of their opposition, the capital was not fixed at 300,000*l.* as it was then desired. There was no person acquainted with the river Shannon, who must not be aware of the extraordinary improvement which would be made to the navigation of that river, if this additional sum had been invested as it was proposed to be. The town of Roscommon was within four miles of that river, but the inhabitants were obliged to carry their articles of traffic to Sligo, a distance of forty miles, because they had no means of approaching the river and forwarding their commodities by it through Dublin. Under these circumstances he appealed to the House, whether a Bill which sought to obtain an additional capital of 74,000*l.* in order to facilitate the approaches to the river Shannon ought to be rejected? No new principle was sought to be introduced, for the principle of a limited responsibility was already recognized in the existing act.

Mr. *Emerson Tennent* said, by a paper which he held in his hand, it appeared that, should the 74,000*l.* now sought to be added to the capital of the Company, be permitted by this House to be raised, it was to be procured by the sale of shares, in the Company, which originally brought 50*l.* each, but which were now to be offered at 38*l.*; so that, so far from there being any advantage realized, the property already embarked in the Company, was shown to have suffered a deterioration of twenty-four per cent. The hon. and learned member for Dublin had endeavoured to show, that the opposition to this Bill originated in a national jealousy of Irish prosperity, and was carried on by a Scotch party in that House, who acted solely from prejudiced motives; now he (Mr. E. Tennent) hoped that his opposition, at least, as an Irish Member, could not be attributable to such an unworthy impulse. He had been instructed by his constituents, the merchants of Belfast, to look closely after the progress of this Bill, because they considered it to seek for powers which were subversive of the principles of free trade and honourable competition, and exemptions from liability which were incompatible with the security which the public had a right to possess with a great commercial body such as the present Company. It was originally proposed, as it was now, to increase the capital of the Company 70,000*l.* beyond the present amount of 225,000*l.*, and after the most deliberate consideration, it was refused, under circumstances which did not appear in the present Bill. The same parties who then applied for an increase of 70,000*l.*, now apply for a similar increase of 74,000*l.*; they then offered to insert in their Bill a clause suggested by Lord Shaftesbury, in accordance with the orders of the House of Lords, to the effect, "that not one fraction of this sum should be applied to any use till the value was *bonâ fide* subscribed and funded in the Bank of Ireland." Notwithstanding their proffered compliance with this salutary restrictive clause, the House of Commons, in 1828, after due consideration, refused the proposed increase. And yet the same individuals now applied, on the same grounds, for even an increased amount, and he could not find the slightest mention of this restrictive provision in the entire Bill. But not only was this additional sum of 74,000*l.* sought for for the purposes of fair trading by the Company, but he found another clause in the Bill, by which the Company were empowered to accumulate an additional 50,000*l.*, by sums reserved at the discretion of the directors out of the profits previous to the dividends. This sum was professedly for the purpose of meeting contingences. What was the object of this enormous contingency fund? It was plainly this, that if any minor speculator or shipowner presumed to place a vessel on a line already occupied by the Dublin Steam Navigation Company, this fund was to be available for his destruction. This was the extraordinary contingency against which the company proposed to fund this ample provision. It was in reality a fund for crushing marine enterprise, and deterring other merchants from honourable competition. The hon. and learned member for Dublin, and his (Mr. E. Tennent's) hon. friend the member for Roscommon (Mr. O'Connor) had both put forward in forcible terms the advantages of this Bill, as tending to promote the improvement of Ireland generally, and of the Shannon in particular. He was as anxious as any man in the House for the promotion of this desirable object; but he did not wish to see it done in this indirect way. He did not like to see a measure for the improvement of Ireland hampered with the objectionable matter with which it was associated in this Bill. If the hon. and learned Member below him chose to bring in a specific Bill for this important object, he would give it his warmest support, but he thought it unworthy of such an object to introduce to the House a Bill pregnant with the mischief to other commercial parties, suppressive of a free trade in shipping, and seeking for a pernicious exemption from liabilities to which all other traders were subject; and then to hope to secure the sympathy of the House by professing that all this was simply for the improvement of the Shannon. For a purpose so intimately connected with the interests of Ireland he would be willing to vote not only 74,000*l.* but any sum that might be requisite—but to the present measure from the motives he had detailed, he was compelled, by his duty to his constituents, and his regard for the interests of Belfast, to offer his most decided opposition.

Colonel *Conolly* said, he thought it rather extraordinary that hon. Members who, day after day, were in the habit of complaining of the influx of Irish paupers into England, should, on the present occasion, object to the Bill, which, by employing the people of Ireland, must naturally tend to relieve England to a great extent from the evil complained of. If hon. Members would but consult the interests of the whole empire, they would see that the laying out 74,000*l.* in improving the navigation of the Shannon was a subject deserving of their most serious attention. He lived between the two great canals, and could state that they did little more at present than pay the expense attendant upon their management, whereas, if the inland navigation were improved, the effect would not be confined to the more easy transmission of agricultural produce in the immediate neighbourhood of the canals, but would have the effect of stimulating the agriculture in the more remote parts of Ireland. He believed that many of the complaints against the Grand Jury system in Ireland arose from the expense incurred in order to facilitate the transmission of the produce for export. The Bill before the House would relieve Grand Juries to a certain extent from the necessity of imposing local burthens; and as it would facilitate the exportation of the produce of the country, give employment to the people, and thereby relieve England, the Bill should have his most cordial support.

Sir *Hussey Vivian* did not know, until he came into the House, that such a Bill was before it, and because he thought it would be most useful in relieving Ireland that he should vote for the third reading of the Bill. Hon. Members ought to bear in mind that Ireland was peculiarly circumstanced, and that general principles could not be always with justice or prudence applied to that country. He knew of what vast importance, it was, that the navigation of the Shannon should be improved, and therefore he should give the Bill his most cordial support.

Mr. *William Roche* said, I trust that the explanation and proposition just now offered by my hon. and learned friend, the member for Dublin, will prove satisfactory, will conciliate any further opposition, and permit the Bill to be brought up on Monday in a shape which now appears calculated to remove those objections and apprehensions previously entertained—Sir, as to the accumulation of the fund complained of, amounting to about 30,000*l.* I consider such a provision against those casualties, which human transactions are liable to, a wise and judicious protection, and one deserving of imitation by all companies, instead of permitting the whole of their income and profits to be squandered in large and premature dividends, leaving no surplus or protecting fund to meet a moment of emergency or period of disadvantage and disappointment. Sir, connected as I am with Limerick, the principal city on the line of the Shannon, I have reason to know, that the capital already subscribed has been most usefully expended as regards the public interests, and, I believe, with equal judgment as regards those of the Company itself, for the prudence and foresight manifested in the appointment of the reserve or protective fund, to which I have referred, are, in themselves, a pleasing guarantee, that permanent good results, and not mere present eclat, will be the governing principle of the Company's conduct. Under these impressions and expectations, I am Sir, of opinion, that the Company has entitled itself to the very moderate augmentation they apply for 75,000*l.* so as to raise their capital to 300,000*l.* the sum, in fact, originally contemplated, but which augmentation the increasing sphere of their operations now more imperatively demands. Sir, that an improvement of the line of the Shannon is a most interesting and important, as well as national undertaking, penetrating as it does, the centre of Ireland, and resembling in its relative position and advantages (if I may compare small things to great) the majestic stream of the Mississipi in North America, cannot be doubted, and most moderate indeed is the increase asked for to carry that improvement into more effectual execution. In order to demonstrate how greatly and how grievously this noble river stands in need of improvement, I shall take the liberty of reading a passage from the evidence given before the Committee by that most respectable and intelligent gentleman, C. L. Burgoyne. He was asked—" Now what was found to be the state of the Shannon in respect of the facility of communication along it"; to which he replied—" It was found to be in a most deserted and disgraceful state—I must say generally, a disgraceful state." " Again, do you know anything of the operations of this Steam Navigation Company on that river—

you have stated something about them in your Report? It has produced (said Colonel Burgoyne) a trade which never existed before, and, that cannot exist without steam." Sir, the immense capabilities of Ireland are conceded on all hands; and it is most gratifying to perceive the disposition evinced during this debate to render these great capabilities available. I, therefore, trust that no mere technicality nor no jealousy of rival companies will retard so beneficial a purpose. To any unfair advantage—to anything savouring of monopoly no one can be more inimical than I am, but it must be recollected that capital does not abound in Ireland as in this country, that improvements on a large scale are novel, and, therefore, undertaken with a timid hand, consequently, that some larger share of encouragement and facility is due and advisable as regards co-operative exertions for the improvement of Ireland. I hope, therefore, Sir, that the Bill will be brought up on Monday, divested of any fair objection, and that it will be permitted to proceed to its completion, with a view to accelerate that great desideratum—"the employment of the people," which in every country is the basis of national tranquillity and happiness, but in no country, more necessary and desirable than in Ireland, where such a disparity unfortunately exists between the amount of population and the present state of its employment.

Mr. *Robert Wallace* said, that he found among the Members of this intended company Judges, merchants, bankers, and ladies. He must confess, that was the first time he had known the dignitaries of the law descend to the character of traders.

Sir Michael S. Stewart moved the adjournment of the debate till Monday.

Mr. *O'Connell* said, that the Bill as it stood increased the reserved sum from 30,000*l.* to 50,000*l.* Now, he would undertake on Monday, to bring up a clause leaving the reserved sum at 30,000*l.* With respect to the 74,000*l.*, he should also be prepared with a clause limiting its outlay to the improvement of the Shannon. There were clauses originally in the Bill, laying on tolls and regulating valuation juries, but these had been withdrawn. He had obtained leave from the House to bring in a general bill, which he would present on Monday, regulating the tolls, &c. upon the rivers and estuaries in Ireland. To this bill the Vice-President of the Board of Trade did not object. If the general Act should not pass, then the company must make the best contracts they could, but no man would be compelled to sell. With respect to the 74,000*l.*, he repeated it should be entirely laid out upon the Shannon, in improving the navigation, in building quays, docks, and warehouses, and improving the roads leading to the Shannon.

Mr. *Potter* said, that when an hon. Member spoke of the company being composed of judges, lawyers, and ladies, he omitted to state, that the principal merchants of Dublin and Manchester, who were concerned in trade between Ireland and England, were shareholders in this company. He felt considerable surprise, that objections should be raised to the investment of capital in Ireland, where it was so much wanted. He well remembered the establishment of the Company, and was sure the greatest advantages had arisen to both countries from it. This Company was established by Mr. Williams, and it was considered a most hazardous undertaking. Before the establishment of this Company, which was the first between Dublin and Liverpool, the greatest inconvenience arose to the trade. Fat cattle could not be shipped with safety, and it was no uncommon circumstance that goods shipped at Dublin did not arrive at Liverpool for six weeks, and in some instances for two months. He (Mr. Potter) had frequently bought linens in the linen-hall of Dublin on a Friday, and by means of this Company, received them in Manchester on the Monday following. By means of steam-navigation, the drapers in the interior of Ireland now frequented the markets of Manchester and Yorkshire, which opened a new trade to the advantage of both parties.

The debate was adjourned to Monday.

JOINT-STOCK BANKS.] Sir *Henry Parnell* presented a petition from the Joint-Stock Banking Company, established at Manchester. The petitioners stated, that if Lord Althorp's plan was passed into a law, their interest would be affected without inquiry, although it could not be pretended that they had misconducted themselves in the slightest degree. He was of opinion, that the experiment made by Lord Liverpool, in 1826 had succeeded, and that if they wanted a secure system of country banking, they had only to let alone that which had arisen in consequence of the laws then passed, under the sanction of which these petitioners had embarked a large capital. The petitioners also expressed their anxiety and alarm at the effects which would result from making Bank of England notes a legal tender; and they also stated it as their opinion, that the monopoly of the Bank of England had been the cause of all the great fluctuations that had taken place of late years in the currency, as well as the real cause of the failure in the country banks. Now this was a strong assertion against the Bank of England; but he did not hesitate to say, that if the Committee of last Session had sat a sufficiently long period to have allowed evidence to be adduced, to show the effect of the monopoly, and the conduct of the Bank of England, or, if that Committee had been renewed this Session, facts would, he had no doubt, have been brought forward, which would have gone far to establish the truth of the assertion of the petitioners; for he did believe, that no great convulsion of trade, or fluctuation of the currency, had taken place in the course of the last forty years, in which the conduct of the Bank of England had not been a main ingredient. The petitioners stated, that the only means by which, in their opinion, a recurrence to those national evils could be avoided, was gradually to introduce a free system of banking. They also stated, that, besides making the country banks subservient to the Bank of England, the effect of making Bank of England paper a legal tender would be, to prevent the remaining banks from accommodating the industrious classes, as they had hitherto done, and that the power of accommodation would be confided entirely to the Bank of England and its branches. The petitioners, at the same time, expressed their readiness, if Parliament should see fit, to call for them to publish their accounts, and pay up a larger portion of their capital, and do anything else which might render the system under which they were established still more effective. He believed the allegations in the petition were well founded, and deserved the serious consideration of the House.

The petition having been read,

Lord *Althorp* said, he would only then state, in answer to the right hon. Gentleman's complaint, that the Committee of last Session had sat during the whole of the Session; that his right hon. friend was a member of it, and had an ample opportunity then of adverting and directing evidence to the facts now alleged in this petition. If, during the present Session, the House had thought proper, that Committee might have been re-appointed; but he did not think there was any occasion for it, and no proposition to that effect had been made by any hon. Member. Besides, some of the Directors of that very Bank, had been summoned as witnesses, and given in their evidence. When the discussion came on, he should state fully the ground which led him to propose the measure to which the petition referred.

NEWSPAPERS — THE POST-OFFICE.] Sir *Henry Parnell* then said, he had a petition of considerable importance to present, on which he wished to say a few words. It was the petition of the News-venders, Agents, and Dealers in Newspapers, resident in London and its vicinity. It was signed by upwards of 200 of that respectable class. They complained very much of the Post-office Clerks, Clerks of the Road, and Post-masters, interfering with their trade. They said, that those clerks exercised their official influence greatly to their injury, by becoming traders in newspapers. They possessed this influence, unlike the officers of any other department under Government, and contrary to every sound principle of trade, for every body must perceive that the filling of an official situation must give that particular class of officers a great superiority in carrying on the trade over others who were not connected with the Post-office. They further complained, that by the privileges allowed to clerks of the Post-office, foreign newspapers were charged double their prime cost abroad, and that this increased price went into the pockets of those officers, to the great detriment of the public revenue. They particularly complained, that this practice was allowed in the foreign Post-office, in respect to English newspapers going abroad, and that the circulation, therefore, of English newspapers, was very much curtailed beyond what it would otherwise amount to, in consequence of which, the petitioners suffered very considerably. They expressed great regret at finding that the offers on the part of the French Post-office, to do away with the impediments affecting the transmission and circulation of newspapers between the two countries, had not met with that readiness on the part of our Government which they had expected, and which was most desirable. There would be great advantage,he believed, derived from putting an end entirely to those restrictions on newspapers, not only extending information generally, but also increasing the revenue of the country. He himself had had an opportunity of consulting the Postmaster in France, and he was ready to bear testimony to the truth of the allegation in the petition; that individual having stated to him, that the French were quite ready to co-operate with the Government of this country, in avoiding all difficulty at present in the way of carrying on correspondence by means of newspapers, between the two countries. The petitioners also complained, that the Clerks of the Post-office, in addition to other advantages which they possessed, were allowed to put newspapers addressed to their agents or customers, into the mail-bags, up to the moment of their delivery to the mail, while the petitioners were obliged, upon each paper posted after six o'clock, to pay the charge of one halfpenny, and were also subject to total exclusion after half past seven o'clock. The petitioners submitted they were entitled to the consideration of the House, from contributing extensively to the revenue of the country. The right hon. Gentleman, in conclusion, declared his intention to move for a Committee to inquire into the circumstances, provided some other hon. Member did not take up the subject.

The petition having been read at length,

Sir *Francis Burdett* concurred with his right hon. friend who had presented the Petition, that it was most desirable to give every facility to communications of the nature to which he had adverted; but he did not see any necessity for moving for the appointment of a Committee. It appeared to him to be quite sufficient to have drawn the attention of his Majesty's Ministers to the subject, who had the means of doing all that was wished to remedy the evil. It was desirable, in every point of view, that every facility should be given upon the communication.

Lord *Althorp* said, that as his right hon. friend, in presenting the petition, had referred to negotiations that had been concluded with France and the Government of this country, it might be right for him to say a few words on that subject. In those negotiations his Majesty's Ministers had not been able to comply with all the propositions of the French government. He was not competent to enter into many of the circumstances connected with the negotiation, but it was thought impossible to agree to all the propositions. With respect to the particular point involved in the petition as to newspapers, he agreed with his hon. friend, that that species of communication should be as free as possible, and that if restrictions existed, they should be removed. The plan, however, upon which this department of the Post-office was conducted, enabled the Government to carry on the business at a considerably less expense than it would otherwise be obliged to be at. If the fees of the clerks with respect to newspapers was abolished, it would be necessary for the Government to increase the salaries of the persons employed in the Newspaper Office. The question, in his opinion, must be looked upon as a balanced question, and not quite so clear in favour of the petitioners as his right hon. friend described. He agreed that everything ought to be done to facilitate the communication between France and this country, but the difficulty was on which side the postage should be paid. His Majesty's Ministers had every wish to do this as far as they could consistent with the safety of the revenue.

Mr. *Buckingham* said, that nothing could be more improper than that official men should engage in trade. It was particularly improper in the Post-office, where it was important that the vigilance of the clerk should be devoted to his duties up to the last moment. The practice of the Post-office with respect to newspapers sent to or from the Continent, absolutely threw impediments in the way of their circulation. In the internal communications of England, however, the matter was worse. At the present moment the most intense interest was felt in the country on the proceedings of that House, and the consequence was, that the greatest rivalry existed between the Newspaper proprietors to keep their presses open till the last moment, and thus convey the latest intelligence to their customers. The proper dealers who undertook to transmit the newspapers into the country were the news-venders, and it was literally true, as stated by the right hon. Baronet opposite, that they furnished all the capital by which it was done. Contrary to this practice, in most businesses a great sum of ready money passed on both sides. The stamp was the chief expense of a paper, and the general run of establishments tried to go to the Stamp-office with the money in their hands, whilst a very short credit, indeed, was given to the larger establishments. The news-venders in this town came with ready money to the Newspaper Office, or at furthest paid their bills every Saturday. The amount of money which they paid in this way was, perhaps, about 100,000*l.* per week. The news-venders were obliged to give their customers many months credit. The clerks of the Post-office, on the other hand, had numerous advantages over the newsmen. They were not obliged to be furnished with a large capital, and had it in their power to receive papers at a later hour than the newsmen, who were obliged to pay a fee of 1*d.* for every paper after a certain hour, which went, in case of papers forwarded by the clerks of the Post-office, into their pockets. There was another evil of which, perhaps, the noble Lord was not aware. There were certain literary publications, which, containing no politics, were not obliged to have a stamp; but if a stamp was put upon them, they went post-free. A newsman sending a literary publication into the country, had to buy it stamped. Now, he was informed by Mr. Johnson, who supplied the whole of Ireland with newspapers, that numbers of *The Literary Gazette* were passed through the Post-office unstamped. Of course this must occasion a great loss to the revenue. Another advantage that the clerks of the Post-office had over the newsmen, was in their being able to write to the postmasters in the country, who were their agents, free of expense, and the post-masters to answer them in like manner, free of expense. This enabled them to supply papers in the country at half the commission other people were obliged to charge. He thought, therefore, that the sooner the fee system was abolished in the Post-office the better.

Lord *Althorp* said, he believed the hon. Gentleman was mistaken in saying that the fee paid on newspapers, at the last half hour of admission, was saved to the clerks of the Post-office.

Petition laid on the Table.

CHURCH RATES.] Mr. *Hawes* said, that the noble Lord, (Lord Althorp) was, no doubt, aware that, in several of the large towns, at public meetings, resolutions had been carried against the payment of Church-rates. That was the case in one part of the borough which he represented. With a view to allay any angry feeling which might arise on that subject in the interval that would elapse between the end of the present and the commencement of the next Session of Parliament, he wished to ask the noble Lord, whether, in the Bill to be introduced for the Reform of the English Established Church, the same relief would be given to the Protestant Dissenters in this country, as was given to the Catholics in Ireland, with regard to Church-cess?

Lord *Althorp* could only state, in reply to the question, that the subject had been under the consideration of his Majesty's Ministers, and it certainly appeared to them that it would be most desirable that some arrangement should be made with regard to the payment of Church-rates. Looking, however, to the comparatively small funds arising out of that cess in the hands of the Church of England, the question in this country was one of much more difficult arrangement than it had been in Ireland.

BANK OF ENGLAND CHARTER.] The House went into Committee on the Bank Charter Acts.

The *Chairman* having put the first Resolution, "That it was the opinion of the Committee, that it was expedient to continue to the Bank of England for a limited period the enjoyment of certain privileges now vested by law in that Corporation, subject to provisions hereafter to be made,"

Colonel *Torrens* said, he would not occupy the time of the House with any preliminary observations. He would proceed at once to state the object of his Motion, and to explain the grounds upon which he ventured to hope that the House might be induced to sanction the proposition which a sense of the vast interest at issue impelled him to submit to its consideration. In moving, that the consideration of this question be postponed until the next Session, his object was delay for the purpose of obtaining sufficient time for the mature and deliberate consideration of this most important question. He ventured to demand this delay upon grounds established by the Report of the Committee appointed last year to inquire into the expediency of renewing the Charter of the Bank of England. That Report stated, in the most distinct and unambiguous manner, that further inquiry and more ample information were necessary, before Parliament proceeded to the discussion of this most important question. The Report contained this remarkable sentence —"The period of the Session at which the Committee commenced their labours, the importance and extent of the subject, and the approaching close of the Session, will sufficiently account to the House for the limited progress of the inquiry, and for the incompleteness of the materials which have been collected for the purpose of forming an opinion." Now, the noble Lord (the Chancellor of the Exchequer) was Chairman of the Bank Committee, and as such, if he was not the father, he was, at least the sponsor of the Report, the language of which was the language of the noble Lord; and therefore he could not but anticipate the support of the noble Lord on the Motion with which he should conclude. The noble Lord, in the Report of the Committee of which he was Chairman, had stated it as his deliberate conviction, that sufficient information had not been laid before the House for the purpose of forming an opinion; and would he then refuse his assent to a Motion having for its object the prosecution of that fuller inquiry, and the acquisition of that ampler knowledge, which he himself had pronounced to be essential? The noble Lord would not treat that House so lightly, or so stultify the Commons of England, by calling on them to decide without the materials for forming an opinion. Were a Committee appointed up stairs upon a turnpike trust or parish vestry, and to report that they were unable to complete their inquiry or to collect materials for forming an opinion, would the Chairman of such Committee venture to call upon the House to come to a decision even upon the most trivial and unimportant private Bill? Would, then, his Majesty's Ministers pursue such a course with respect to the renewal of the Charter of the Bank of England? Was it conceivable that they would call upon the House of Commons to decide, without the materials for forming an opinion, a question of the highest national importance? Incomplete and inadequate as was the Report of the Bank Charter Committee of last year, it was, nevertheless, highly valuable and important. It gave the House no information with respect to that which ought to be done, but it supplied the most ample information respecting that which ought not to be done. The evidence taken before that Committee contained the fullest proof and the most conclusive demonstration, that the control of the circulating medium ought no longer to be intrusted to the Bank of England. The competence of the witnesses who gave this testimony could not be questioned. These witnesses were the Governor and Directors of the Bank of England, who were examined before the Secret Committee of last year, and who freely acknowledged that in 1796, 1812, and 1819, their predecessors in office were ignorant of the elementary principles of money and currency, and caused, by their errors and mismanagement, ruinous fluctuations in the value of property. The present Directors, however, claimed for themselves the possession of superior wisdom; and seemed to assert, that subsequent to the great panic of 1825-26, they had seen cause to correct the errors of their former ways; and that, acting under the protection of science, and armed with the power of knowledge, they would now, through all future time, avert from the country calamities similar to those which the mismanagement of their predecessors had created. In examining the conduct of the Bank Directors with a view to ascertain their competence to regulate the circulation of the country, he would give them all the advantage of the change in the system of management for which they claimed credit. He would deal by them with perfect fairness, and would not travel back to visit upon the Bank the previous errors, before the new system of management had commenced. He would judge it by the conduct pursued subsequently to 1827, the period at which the Directors professed to have corrected the acknowledged errors of their former ways, and when the new system of management was brought into full operation. In order to determine whether the Bank of England, under its improved management, was competent to regulate the circulating medium of the country, it would be necessary to ascertain, in the first place, what were the actual effects produced upon the currency by the new system of management; and to examine, in the second place, into the soundness of the principles upon which this new system was founded. Now, with respect to the actual effects produced upon the currency, if hon. Members would be at the trouble of referring to the appendix of the Report, they would find that since the adoption of the new system the fluctuations in the currency had been quite as great as they were before its adoption. It would be seen by the appendix, No. 83, that on the 6th of January, 1827, the circulation was 18,300,000*l.*, and that on the 21st of July following, it was extended to 23,800,000*l.*, being an increase of 5,500,000*l.* This expansion of the currency was speedily followed by a more than corresponding contraction, and in December, 1831, the circulation fell to 16,700,000*l.* Thus it was proved, by their own documents, that the improved system recently adopted by the Directors had not the practical effect of giving steadiness to the currency. Upon their own showing, the amount of the circulation in July, 1827, exceeded by nearly fifty per cent, its amount in December, 1831; being a greater fluctuation than any which took place during the same period of four years preceding the 1821 panic. The lowest amount of circulation, from July, 1821, to December, 1825, was 16,000,000*l.*, and the highest 23,300,000*l.*, being a fluctuation something less than that which had been produced under the improved system of management. So much for the practical effects of that improved system, the adoption of which, by the Directors of the Bank of England, was deemed sufficient to obliterate the recollection of all former errors, and to atone for all the calamities of which those errors were the parents. The new system, as explained by Mr. Horsley Palmer, the Governor of the Bank, was this:—When the currency was full, as indicated by the exchanges being at par, the treasure of the Bank in bullion and coin was kept at one-third of its liabilities, including circulation and deposits; and from the level of fulness, as indicated by the foreign exchanges being at par, the currency is allowed to expand or to contract, according as the exchanges may become favourable or unfavourable. To explain this system by an example—if, when the exchanges were at par, the circulation issued by the Bank be 20,000,000*l.*, and its deposits 10,000,000*l.*, then, the whole of the liabilities being 30,000,000*l.*, the Bank will provide itself with treasure to the amount of 10,000,000*l.* In this state of things, should a favourable exchange throw into the Bank an additional supply of gold, to the amount of 5,000,000*l.*, the Bank, in paying for this bullion, would issue 5,000,000*l.* of notes, and the circulation would be increased, from 20,000,000*l.* to 25,000,000*l.* On the other hand, were the exchanges to become unfavourable and to reduce the treasure of the Bank from 10,000,000*l.* to 5,000,000*l.*, the Bank would not re-issue the 5,000,000*l.* returned upon it, in payment of the gold withdrawn, and the circulation would be reduced from 20,000,000*l.* to 15,000,000*l.* This was the new system of the Bank Directors, and they had adopted it, as stated by Mr. Ward, in order that they might not alter the King's coin, and in order to preserve the paper currency from any fluctuations greater than those which the action of the foreign exchanges would occasion, were the currency purely metallic. This was, without doubt, a good and a legitimate object, but the evil was, that under the system of the Bank Directors, its attainment was impossible. The working of their system was directly the reverse of that which they intended. Its necessary effect would be to occasion fluctuations in the currency, greater to an indefinite extent than those which the action of the foreign exchanges would create, were the currency wholly metallic. It was obvious, that were the currency wholly metallic, no fluctuations, no deep vibrations in the amount of the currency, could take place, while the foreign exchanges remained at par. But, under the vaunted system of the Bank Directors, calamitous fluctuations might occur while the exchanges remained at par, and while there was no drain of gold from their coffers. The Bank Directors had created a new element of fluctuation, and according to their improved system of management, the circulation must vibrate with every variation in the aggregate amount of those public and private deposits over which the Directors could have no control. But this was not the worst part of the improved system. Its rule to keep its securities level, to let the currency expand and contract with the flowing and ebbing of the foreign exchanges, regarding the period when the exchanges are at par, and when gold is neither drawn out nor paid in, as the level at which the reserve of bullion is to be equal to one-third of the liabilities. This being the mode on which the Bank regulated its issues, let it be supposed, that the exchanges being at par, the Bank had 10,000,000*l.* of gold, its liabilities being 30,000,000*l.*, nearly 20,000,000*l.* in notes issued, and 10,000,000*l.* in deposits. Under these circumstances, let a deficient harvest or other cause turn the exchanges against them, and reduce the treasure of the Bank from 10,000,000*l.* to 5,000,000*l.*, and then, in the first instance, the circulation would be reduced by 5,000,000*l.*, as it would have been had the currency been wholly metallic. Now, if no circumstance occurred to render the exchanges again favourable, if the state of the crops, or any increased demand for imports, or diminished demand for exports, should prevent the influx of gold, and leave the treasure in the Bank, stationary at 5,000,000*l.*, while the exchange was at par, then, in conformity with the principle upon which their issues were regulated, the Directors would have to reduce their liabilities from 30,000,000*l.* to 15,000,000*l.* But, as that portion of their liabilities—namely, deposits, over which the Directors have no control—amounts to 10,000,000*l.*, the circulation, were the principle to be strictly adhered to, must be reduced to 5,000,000*l.* Had the exchanges, instead of being unfavourable, been favourable, and increased the treasure in the Bank from 10,000,000*l.* to 15,000,000*l.*, and then returned to par, the liabilities of the Bank, under the new system of management, would have increased to 45,000,000*l.*; and should the deposits have continued stationary at 10,000,000*l.*, the circulation would be increased from 20,000,000*l.* to 35,000,000*l.* Thus, if the improved principles of the Bank were to be adhered to, the flow and ebb of the exchanges above or below the central level would cause the circulation to vibrate between the deep extremes of 5,000,000*l.* and 35,000,000*l.* But he had not yet exhibited in their full absurdity, the improved principles of circulation discovered by the Bank Directors. It appeared by the minutes of evidence, (question 2,086), that Mr. Ward, the Bank Director, was asked, "You have stated, that in case you foresaw an unfavourable harvest, or other circumstance that was likely to turn the exchanges against the country, you would anticipate that, by acting upon the currency; do you think it right for the Bank to act upon the currency of the country, independently of the action of the public on the Bank?" Mr. Ward answered, "Although the exchanges might be at the present moment favourable, I should anticipate their becoming unfavourable, under the influence of a bad harvest, and I should prepare accordingly." He is then asked, "In what manner would you prepare?" And he answers, "By shortening the amount of currency." The House would perceive that this was not quite consistent with the former answer of Mr. Ward, that "I do not presume to alter the King's coin, but always endeavour to bring the paper, as nearly as possible, to what the currency would be if no bank existed, and the currency were all gold." Now, if the currency were all gold, an unfavourable harvest, turning the exchanges against us, and abstracting specie, would, no doubt, inflict upon the country the evil of deficient circulation; but then, as gold went out, foreign corn would come in, and in suffering the evil of deficient circulation, the country would escape the still greater evil of deficient food. But not so under the improved management of the Bank. In order to avert an expected drain upon its coffers, the currency is contracted by anticipation, and the consequent fall of prices, which prevents the exportation of gold, prevents also the importation of corn. The evil of deficient circulation was inflicted, but the greater evil of deficient food was not thereby averted. The report, and the evidence furnished irresistible proof, that the power of regulating the currency ought no longer to be intrusted to the Bank of England. The new system of management adopted by the Directors, after the experience of the panic of 1825 and 1826, aggravated the evils it was intended to remove. The new mode of management was as vicious in theory, as it was pernicious in practice. The principle of anticipating the action of the exchanges upon the currency, by narrowing the circulation as often as a deficient harvest was foreseen, was a device for adding dearth to famine, and, as he would venture to affirm, at once the most erroneous and the most pernicious principle which it was possible for a bank of issue to adopt. Would his Majesty's Ministers ask, or the House consent, to renew the exclusive privileges of the Bank of England, and place the value of all the property in the kingdom at the absolute disposal of an irresponsible body, who had proved themselves, as well by their practice as by their theories, to be utterly ignorant of the principles by which a bank of issue should be regulated? He must deny, that the Resolutions proposed by the noble Lord opposite would have the effect of preventing the evils which he had pointed out as resulting from a renewal of the charter, or counteract the evils which the existence of that monopoly had hitherto occasioned. He was inclined to think, that making Bank notes a legal tender, except at the place of issue, would be good, provided the main bank of issue were regulated upon just principles. But in what way could the adoption of these proposals of the noble Lord correct the practical errors which were committed by the irresponsible body by whom the affairs of the Bank of England were conducted? He thought he should be able to show, to the satisfaction of the House, that upon the principles according to which the Bank of England was conducted, the first effort of rendering their paper a legal tender would be, not an expansion, but a contraction of the currency. The obvious, he believed he might say the avowed, tendency of the plan of the noble Lord was to displace the paper of the country banks, and to give to the Bank of England and its branches, the whole circulation of the country. That would greatly increase the liabilities of the Bank;

and as its reserve of treasure, when the exchanges were at par, must be equal to one-third of the liabilities, its gold must be increased in a corresponding degree. Now, how was the increased supply of gold to be obtained? No considerable portion of it could be drawn from the gold coin in circulation; because, small notes not being permitted without the gold coin, the business of the country could not be carried on. How, then, he would again ask, was the increased supply of gold required by the Bank to be obtained? The Directors, in their evidence, told them how. Mr. Horsley Palmer states, in reply to Question 809—"The Bank has only the means of obtaining an increased quantity of gold, if it be deemed desirable, by contracting its issues, thereby creating a scarcity of money, and consequent fall of prices." Then, let not those who deemed that an expansion of the currency would give a stimulus to industry, fall into the delusion, that the plan of the Government for making Bank of England paper a legal tender would have the effect of increasing the circulation. It would produce a contrary effect, and narrow the circulation, for the increase of Bank of England paper would be accompanied by a corresponding decrease of country bank paper, and the general aggregate result would be, not an expansion, but a contraction of the currency. The evil would not rest here. As the country bank paper was driven out of circulation, country banking would become less profitable; and in the smaller country towns and agricultural districts, the business of private banking, ceasing to be profitable, would be abandoned altogether. The mischief occasioned by the loss of credit, would exceed that produced by the contraction of the circulation. When a banker opened credit accounts with the farmers and dealers in his neighbourhood, the transfer of those credits, by means of bills and checks, might have the same effect as making payments in money or bank-notes; and thus it was, that cash credits in the books of bankers might form a part, and even the larger part of the circulating medium of the country. The plan of the Government would not only narrow the aggregate amount of Bank paper in circulation, but in the smaller towns and rural districts would destroy altogether, and without a substitute, that accommodation and credit which supply the place of money or currency, and form, in reality, a most important portion of the circulating medium of the country. He entertained the most serious apprehensions lest that part of the Government scheme which went to extend the operations of the Bank of England, and to supersede the functions of the country banks, should inflict upon all the great interests of the country, and particularly upon agriculture, a paralysis more severe and more enduring than that which followed the resumption of cash payments. He ventured to hope, that he had now succeeded in establishing sufficient grounds for the motion with which he should conclude. He could not believe that the plan proposed for the renewal of the Bank Charter was one which the House of Commons would be induced to sanction. He could not believe that it was one in which, upon reflection, Ministers themselves would wish to persevere. He had a strong conviction, derived from much reflection on the subject, that the adoption of the measures proposed by Government for continuing and increasing the exclusive privileges of the Bank of England would inflict upon the country a periodical recurrence in aggravated forms of revulsions of trade, and of panics in the money-market, while, by the adoption of sound principles of banking and of currency, all these evils might be avoided, and very important advantages secured. At all events, he implored the House, not, on this most vital question, to legislate in the dark. He was convinced, that if the House should now consent to commit to this irresponsible body, for ten years, a trust which had been most unwisely conferred on them, the country would be visited with a recurrence of former distress, panics, and fluctuations in the currency. He should, therefore, move, "That the consideration of the question of the renewal of the Bank of England Charter should be postponed until the next Session of Parliament."

Mr. *Poulett Scrope* seconded the Amendment. He said, that the question was one of vital importance to the whole community. It was universally admitted, that the banking system of the country was very defective; and surely when the Bank Charter was about to be renewed, was the time for inquiring into and remedying those defects. The Bank of England, though not the only, was the chief source of the circulation of the country. Five-sixths of the notes in circulation were Bank of England notes; and the whole amount of gold in circulation was supplied by the Bank of England. There could be no doubt, therefore, that the Bank of England had a complete controlling power over the whole circulation. There could be no question, therefore, that this controlling power must be blamed for those alarming fluctuations which had inflicted such great evil in this country during the last twenty years. He would not enter into a history of those fluctuations; he would merely ask, were those evils the necessary consequence of every system of currency, or only of our peculiar system? He believed, that they were not inherent in all systems of currency, but only in our system. Those fluctuations had at one time defrauded creditors, and at another plunged debtors in irretrievable ruin. He would notice a fallacy of those who supported the Bank: they compared it to the Mint, and concluded, because a monopoly in the one case was advantageous, that it must be advantageous in the other. But the two systems had no similarity. The one was a public office, the officers were responsible to the public, and paid by the public; the other was a private concern, quite irresponsible to any person but its proprietors. The public had no hold of the Bank of England. He knew, that it was said, that the Bank Directors were men of honour and integrity, and it was precisely because they were men of honour and integrity that he said they were not responsible to the public. The Bank was altogether a private establishment, as was proved by the evidence and statements of the Directors themselves; the Directors being elected by the proprietors, and responsible to them; and he contended on this ground, that the Bank Directors, as men of honour and integrity, would attend to the interests of the proprietors, and not to the interests of the public. The hon. Member next referred to persons, who had been opponents of the Bank, and had been, he knew not how, miraculously converted, and who at the eleventh hour had become the advocates of the Bank. The hon. Gentleman also referred to the authority of Mr. Richards, to show, that that Gentleman spoke of the Bank of England as a public body; but it was public only when it suited its purposes to be so, and private when it wanted to refuse to have its accounts investigated. He did not deny the moderation of the Bank of England, inasmuch as it had only nearly ruined all credit, when it might have annihilated it. The Bank had only two or three times brought the country to the brink of ruin, when it had the power of irretrievably ruining it. So far he admitted its moderation. Its principles were those of its own interest, and they could only be prosecuted by a disregard of the public welfare. Its power was continually directed to alter prices, and its interest was frequently promoted by limiting the currency, and lowering the prices in all the markets of the country. Its power was infinitely greater than that possessed by the Legislature, and far exceeded in its extent and operation that power with which public opinion ever endowed any government. Over the Bank of England, which carried on its operations in silence and secresy, even public opinion had no control. The publication of its issues every three months, and then only the average of them, would be no control whatever. That the Government should, in this age, in the year 1833, continue this monopoly in the hands of a private company, was a most flagrant, a most crying public injury, a solecism in Government; such as was nowhere else to be found. Nothing could be so monstrous as to give into the hands of a private company the monopoly of all the money of the country—the indispensable means of carrying on all the trade of the country. Money was the vital element of our commerce, as necessary to that as air was to life; and what would be said if a monopoly of air was to be given to any body of irresponsible men? If the past practice of the Bank was adverse to this theory, he would care nothing for the theory; but, in fact, the practice of the Bank had been most pernicious to the country. If it gave us a safe, sound, and sufficient currency, he would disregard all theory. If the currency had been at all times equal in value, and invariable in kind, he should be satisfied. But it was impossible to look back at the history of the country for the last fifty years, and not be convinced, that we had neither a safe, a sound, nor at all times a sufficient currency. Could that currency be called safe and sound which had been issued by a body which had been in a state of bankruptcy, and which was obliged to have recourse to the State to make the people take the paper of the bankrupt establishment? On more than one occasion, subsequent to the Bank Restriction Act, that establishment had again been on the verge of bankruptcy. That the currency was not sufficient was proved by the events of the last few years, when prices had been reduced twenty-five per cent, and industry had been paralyzed by the obstacles thrown in its way. He would not go into the conduct of the Bank in 1783 and 1793, though at both periods there were convulsions occasioned by the conduct of the Bank. In 1793, 100 country bankers stopped payment, although there were at that time no one-pound notes in existence. In 1797, the nation was on the verge of ruin, brought on by the conduct of the Bank, and it was only saved by the Legislature making the people take the notes of the bankrupt establishment. The Bank of England had made immense profits by its connexion with the public, and it might have been expected that the Bank should have contributed something to restore that sound state of the currency from which, for its own purposes, it had departed. What sacrifices had it made to return from paper to the metallic standard? He saw no sacrifices whatever. It had acted with a precipitancy uncalled for—it had acted in silence and secrecy to secure its own advantages—and it had inflicted immense evils on the country. In 1814, at the period when the treaty of peace was signed, and when the Bank was under the obligation to resume cash payments in six months, what was its conduct? When three months had elapsed after that event, what was the amount of bullion in the coffers of the Bank? That was known by the examination of the Bank Directors before the Committee of last year, and the whole amount of bullion in its coffers at that period was only 2,000,000*l.*, while its liabilities amounted to 10,000,000*l.*, and its notes in circulation amounted to 28,000,000*l.* Yet that was within three months of the period when it was bound to resume cash payments. How did it then proceed? Why, it went to the Government, and the Government told the Bank it need not trouble itself immediately, that time would be allowed it to make its preparations. How did it make those preparations? They knew, from the evidence of Mr. Horsley Palmer, that the Bank had no other means of obtaining a supply of gold than to restrict the currency and reduce the price of commodities. The Bank Directors avowed that they had restricted their issues to obtain gold, because they had no other means of getting it unless they chose to give 5*l.* 2*s.* per ounce for it, and afterwards circulate it at 3*l.* 17*s.* 10*d.* The Bank then had effected a great change in the currency, had lowered prices, and had in consequence obtained gold. It had openly and directly avowed, that it had reduced prices from twenty-five to thirty per cent for the purpose of getting gold, and making preparations for resuming cash payments. In 1818, the nation was prepared for the resumption of cash payments—we had gone through the preparatory stage of suffering, and a return to cash payments would then have been most advantageous. But, instead of doing that, the Bank obtained a Restriction Act for two years longer, whilst at the same time their coffers were filled with gold, of which gold they made no small profit. At this time prices were very high—the exchanges were against us, gold was going out of the country, and the circulation daily contracting. In 1822, however, the Bank worked up their bullion again to 11,000,000*l.*; but what had taken place in the interim whilst the gold currency was so materially diminished? Did the Bank meet the defalcation as they ought to have done, by issuing paper to supply the deficiency? On the contrary, they actually contracted the paper circulation at least six millions and a-half. So much for the manner in which the Bank had regulated the currency of the country. After thus starving the circulation, their subsequent relaxation was productive of most injurious effects, and led to those wild and extravagant speculations which so nearly destroyed, and so materially affected the commercial prosperity of this country. Not only did the Bank issue a superabundance of notes, but they lent money in all ways, and to almost all applicants; and not only did they do this, but continued this improvident and injudicious course full twelve months after the exchanges were against us. The crash of 1825 was undoubtedly occasioned by the indefensible conduct of the Bank of England. Taking into consideration the circumstances which he detailed, he should most certainly object to the renewal of the Bank Charter monopoly on the terms proposed, and second the Motion of the hon. and gallant Member. He was indeed much surprised that his Majesty's Government, who had so long opposed monopolies, and advocated the principles of free trade, should now come forward to support so flagrant a monopoly. Lord Liverpool's Government would never have thought of such a thing. Lord Liverpool said, that he would as soon have thought of restoring the Saxon heptarchy as of renewing the Bank Charter. The letter signed by that noble Lord and the present Earl of Ripon, then the right hon. Frederick John Robinson, expressed the most decided hostility to such a renewal. The hon. Member proceeded to quote the opinions of

Lord Liverpool, and adverted to the pamphlets of the right hon. Gentleman opposite (Sir James Graham), when he advocated the propriety of destroying what he termed a fatal connexion between the Government and a single chartered company—a connexion which facilitated the prodigality of Ministers, and invested an irresponsible body with the most delicate and important functions of the State. Another right hon. Gentleman, too, (Mr. Ellice) had maintained similar opinions, and had declared that the conduct of the Bank of England was directly opposed to the commercial interests of the country, and expressed a hope that the exclusive Charter of the Bank would never again be granted. He did not see the right hon. Gentleman now in his seat, but he should be most anxious to hear from right hon. Gentlemen opposite the reasons for their very extraordinary conversion. The Lord Chancellor, when in that House, had also maintained similar opinions. In the debate on the Address in 1826, that noble Lord deprecated confiding so great a power to twenty-four men—a power which exercised the most tremendous influence not merely over the money market, but over the fortunes of every family in the kingdom.* The right hon. Baronet (Sir James Graham) had said, in an admirable pamphlet—"Let us destroy the fatal connexion between Government, and that fatally-chartered Bank, which facilitates the prodigality of Ministers, and invests an irresponsible body with unlimited power." The opinions of the whole body of Whigs were to the same effect. All the great men of that party—Horner, Tierney, Macintosh, Grenville, and even others, Tories as well as Whigs—and all the great writers on Political Economy, supported the same principle. Looking, therefore, to the manner in which the Bank had hitherto exercised the trust confided to them, at the general condemnation which their conduct had met with, and the declared opinions, not only of his Majesty's present Ministers, but of men of all parties, he thought he was perfectly justified in the conclusion to which he had come. They had now a chance of escaping from the system which had so long oppressed them, and he would as soon think of reverting to it as of restoring the feudal system. Having once got his head from the lion's mouth, he should hesitate long before he voluntarily placed himself in the same perilous position. The hon. Gentleman concluded by thanking the Committee for the attention which they had paid him, and declaring his intention to second the Amendment of the gallant Colonel.

Mr. *Gisborne* said, that the very great interest he felt, no doubt in common with the rest of the House, in the question under discussion, induced him to rise to deliver his sentiments upon it. The question appeared to him to be simply this—whether the parties who had for so long a period managed the pecuniary concerns of the country were to continue to do so, or whether each individual having money transactions with another might conduct them according to his own wish, independent of the control of the Legislature? The hon. Gentleman who had just sat down had referred to a document which might with propriety be called an orthodox confession of faith, since it contained, like another confession, thirty-nine articles, and which had emanated from Fife-house, signed by Lord Liverpool and John Frederick Robinson. This document condemned the monopoly of the Bank; and it was not a little curious that a system stigmatized by Lord Liverpool's Administration as improper, on account of its exclusive privileges, should have been introduced for the purpose of consolidating it in the first Reformed House of Commons. Lord Liverpool and his colleague had no powers of prophecy, they could not foresee that the Unreformed Parliament would become reformed; how, then, could they have been expected to foresee that a measure so much out of fashion in an Unreformed Parliament was likely to become so extremely fashionable in the first Reformed House of Commons? And upon what grounds were they proceeding to establish this monopoly? Why, the Committee of the House which took evidence on this subject had declared their opinion, that there were not sufficient data to enable them to come to a conclusion as to the expediency of the renewal of the Bank Charter. This, then, was not, in their estimation, the right time to decide upon that question. But see how various were the opinions which were entertained with respect to this very point. The noble Lord, the Chancellor of the Exchequer, not indeed in any speech delivered in that House, but in a public document, had declared his wish to supersede the whole of the country circulation, and to substitute for it the circulation of the Bank of England;—in other words, to annul by slow and wasting means, the whole body of that circulation, which he was not quite competent to dispense with at once. But was the matter to be disposed of in that way? Did it follow that what was clear to the noble Lord was also apparent to others? The noble Lord might think this just and politic, but it was very probable that other persons would doubt whether it was either just, politic, or magnanimous. With regard to the provisions as to country bankers, they were comparatively unimportant; but he thought, that by compelling them to render accounts, they would in some instances create a strong inducement to falsify their accounts. The Government now proposed to annihilate Joint Stock Banks of Issue, although in 1826 the Government and the Legislature invited them to establish themselves for the purposes of circulation. All the points to which he had adverted—points requiring the most mature consideration—proved the necessity of postponing the consideration of the measure till next Session. It would be said, that it would be injurious to the public interests to leave a question of this nature unsettled—that it would suspend all the transactions between man and man. This was mere talk; he did not believe that a single man would refrain from either buying or selling in consequence of the postponement of the measure. No doubt the Bank Directors were extremely anxious to have the question settled, particularly on the terms proposed by the noble Lord, and would, with becoming gravity, represent, that the public interest would materially suffer if it should be allowed to stand over till next Session. There were now eleven Bills on the paper introduced by Government respecting which the House had hitherto received no information, and yet the noble Lord pretended, that this particular moment was the only fitting time for considering the propriety of renewing the Bank Charter. It was a question which ought to be brought on at the commencement of the Session. He had abstained from entering into any discussion respecting the merits of the question itself, and had only spoken of such points as bore upon the question of postponement; he hoped that other speakers would imitate his example, and keep to the question of adjournment.

---

* See Hansard xiv. (new series) p. 39.

Lord *Althorp* said, that the hon. Members who desired the postponement of the question had not adduced a single reason to show, that the House would at any other period be better prepared to enter upon its consideration than they were at that moment. The gallant officer who commenced the discussion had, to be sure, said, that the fact of the Committee of Secrecy not having come to a decided opinion upon the subject was a reason for postponing it. Now, at the commencement of the Session he stated, that he did not intend to move for the renewal of that Committee, and also that he would bring forward the question of the renewal of the Bank Charter. If, then, hon. Members thought, that the House was not in possession of sufficient information on the subject, they ought to have moved for the re-appointment of that Committee. Though the arguments of the hon. Members were ostensibly addressed to the postponement of the measure, it was evident that they wanted to get rid of it altogether, and the success of the Amendment would, in truth, have that effect. Although the hon. member for Derbyshire wished to confine all who followed him to the simple question of postponement, he must be allowed to notice one or two points which had been touched upon in the course of the discussion. The hon. and gallant Member had asserted, that there were variations subsequent to 1827 in the amount of notes in circulation, to the amount of fifty per cent; but taking the greatest number during that period, and comparing it with the least, it would be found, that the fluctuation did not exceed ten per cent. The hon. and gallant Member asserted, that the rule of the Bank for regulating its issues was, to have always bullion to the amount of one-third of its notes in circulation. This was not the fact; for Mr. Horsley Palmer had stated, that the principle of the Bank was, to allow the drain of money by the state of the foreign exchanges to operate precisely as if the currency were metallic; consequently the amount of notes in circulation did not depend upon the amount of bullion, but on the securities in the hands of the Bank. The great object which the Bank ought to have in view was, to keep the fluctuations in the circulating medium at a minimum, by allowing the exchanges to act naturally and gradually on the circulation. It could scarcely be expected, that a period should ever arrive when fluctuation could be totally prevented; but the great object was to make these fluctuations the least possible. The gallant Officer said, that the effect of making Bank-notes a legal tender would be to extinguish the country banks. He was unable to discover any connexion between cause and effect in this particular. He had been either misunderstood or misrepresented in what he stated on opening this question to the House, and in his communications with the Bank. Some hon. Members seemed to think, that he had declared his intention to annihilate the country banks. He certainly did express his own opinion as to what would be the best system of circulation, and admitted, that the tendency of his measure would be to put an end to country banks of issue, but he had never stated, that he meant to annihilate them at one blow. He did not think that the measure would have the effect of annihilating the country banks, and he should be very sorry if it should produce any such effect. It was somewhat remarkable, that while the Joint Stock Banks complained of the measure as too favourable to the country banks, the country banks complained as loudly of the undue advantages which it would confer upon the Joint Stock Banks. The hon. member for Stroud also complained of the Bank of England as a monopoly; but it must be proved that the monopoly was prejudicial. It appeared to him, after giving the subject his best consideration, and after listening to the results of the experience of practical men, that it would be very detrimental to establish a competition of banks in London, instead of one bank of issue. It was certainly a monopoly, but it remained to be shown that it was an evil. The hon. member for Stroud objected to giving the power of regulating the circulation to a body which conducted its proceedings in secret, and without being subjected to public opinion. He (Lord Althorp) was of opinion, that it was desirable, to avoid that, and, therefore, he proposed, that the proceedings of the Bank should be public, so that it could no longer be considered a secret body, and would have all its proceedings subjected to the revision of public opinion. The hon. Member asserted, that the Bank Directors were not responsible to any but the Proprietors. That was, no doubt, true in law; but in the present state of the public mind, it could not be properly said, that any body of men were independent of public opinion. He thought, that public opinion would place any set of men who acted improperly in a situation which would not be desirable to any man who wished to be considered respectable. He was disposed to coincide with much of what had fallen from the hon. member for Stroud, but he ought to have made some distinction between the acts of the Bank itself, and those of the Government and Parliament. He had admitted, that in the Bank Restriction Act of 1797, as well as in the return to cash payments in 1818, the Government and the Parliament had as much to do as the Bank, and had at least as much right to share the blame of these measures. He did not think it necessary to follow the hon. Member through all his observations. Government had endeavoured to take the best precautions in its power, by adopting what they considered, as far as they could ascertain, to be the best security against improper practices: and by taking publicity as the basis of their plan, they thought they had secured the best check on the proceedings of the Bank. He might take this opportunity of announcing an alteration which he intended to make in a part of the plan which he had before propounded. He had proposed to exact from the country bankers an account, of the amount of their circulation; but upon inquiry he found, that it was impossible to depend upon obtaining a correct account because there were no means of checking it and testing its accuracy. If, therefore, he were to persist in that part of his plan, it would operate as a mere restriction on country bankers without being productive of any benefit to the public. After abandoning that part of the measure, therefore, the only remaining parts which would affect the country bankers was that which rendered it compulsory upon them to compound for the Stamp-duty, instead of leaving it optional as heretofore. By this arrangement the public would obtain information of the actual amount of notes in circulation. The hon. Member was completely misinformed as to the quantity of country bank notes in circulation. A deputation of bankers had stated to him, that it was not above 4,000,000*l.*, but he (Lord Althorp) had reason to believe, that the actual amount in circulation was from 10,000,000*l.* to 12,000,000*l.* He mentioned this in order to show the absurdity of reasoning upon that point, or founding any argument upon it, till the actual amount of the country bank circulation was known. This was not, however, the real question for their consideration. The question which they ought to consider was, whether they should be in a better situation for going into the consideration of the subject at any future period than they were at present? He admitted, that some people might be apt to exaggerate the danger of delay, still all must allow that delay was, if possible, to be avoided; and all would allow, that it was impossible, considering the immense interests at stake, that those interests might not be injured by being hung up in suspense. Of such force was that argument considered by gentlemen connected with the banking affairs of the country, that one hon. Member had urged strongly upon him (Lord Althorp) even last Session, the necessity of a speedy settlement of the question. It was then, however, utterly impossible to lay the plan of Government before the House; but he (Lord Althorp) thought, that should any delay now take place, after the Government plan had been promulgated, the consequences might be even worse than if the plan had not been promulgated at all. Hon. Members seemed to think, that the plan of Government involved a breach of faith to the Joint Stock Banks; and they quoted the opinion of the Government, in 1826, in support of that statement, and to show that the Government of that day had given the greatest encouragement to Joint Stock Banks. That, however, was not the question at issue. The question for the consideration of the House was, whether it was advisable to lay such restrictions on the country banks as should be considered necessary to ensure the safety of the public. If those banks were not on a sound foundation, it was undoubtedly the duty of Government to take steps to place them on a better footing. He would, for instance, suppose that a Joint Stock Bank had a nominal capital of 1,500,000*l*., of which only 15,000*l*. were paid up; no one would say, that such a bank ought to be permitted by the Government; yet, under the present state of the law, such a bank might exist. He, therefore, said, that it would be desirable to place such restrictions upon those banks as would place them on a sound and safe footing. It might, to be sure, be said, that people ought not, and would not, trust banks which were in such a situation; but it was well known, that the first warning generally given on such occasions was the bankruptcy of the bankers, and every one was aware how the affairs of the country were paralysed, and the credit of other bankers affected, by such failures. He therefore thought, that on every account it was desirable, that such restrictions should be placed on banks as would ensure the public safety. He hoped and trusted, that the House would not agree to the proposition of the hon. and gallant member for Bolton. They were then in as proper a situation to take the subject into consideration as they could be at any future period; and keeping of a question of such importance in suspense might prove injurious to the best interests of the country.

Mr. *Attwood* said, that the present question, for no other reason that he could imagine, except because it was exceedingly complicated and difficult to decide, was almost the only one of any importance which the noble Lord had not got rid of by alleging that it was impossible to consider it in the course of the present Session. In vain had hon. Members brought forward propositions of the deepest interest to the community—such, for instance, as the proposed repeal of the Corn-laws; the noble Lord's cry was constantly "Postponement." Now, however, at the close of the Session, he had found out that the public interest required this question should be disposed of without delay. Was it possible, he asked, at that advanced period of the Session, when Ministers themselves were exerting all their influence with their friends to postpone their motions for the present, to bestow upon this momentous question of the renewal of the Bank Charter that attention which all its importance, in reference to the monetary and commercial dealings of the country demanded? The question was of itself of a most complex character, but in addition, the noble Lord's scheme contained other topics of great practical importance, each of which would require as much time for a proper investigation as could then be possibly extended to the whole of his measure. There was, first, the important question of increasing the paper circulation of the Bank of England; there was next the still more important question of making the notes of the Bank of England a legal tender for the notes of country bankers. Then there was that part of the noble Lord's plan which avowedly went to extinguish, not, it was true, at one blow, but gradually, not only all our country banks, but those joint-stock banks which were established in 1826, on the faith, and, indeed, pressing solicitation, of the Government and the Legislature; and there was besides the question of the terms of the bargain which the noble Lord had made with the Bank of England on the part of the public—questions which, on the face of them, involved the most controversial and important principles of our monetary system, and thence involved the well-being of our manufacturing, agricultural, and commercial interests, which, as they stood in the noble Lord's Bill, involved conclusions contradictory to those doctrines of political economy to which Ministers were pledged; and which, moreover, involved the important questions of a fixed, a fluctuating, a high, or a depressed standard of value, not to take into account the question of the usury laws, a free trade, and a paper, *versus* a metallic currency; all which the noble Lord called upon that House—in truth a too obsequious one to his beckon—to dispose of, as if they were so many trifling details of some measure not affecting the great interests of the country. But would that House obey him? If it did, would the country be satisfied with its conduct? Let them consider the effect of making Bank of England notes a legal tender for country notes, and only payable in gold at the Bank of England building itself. He would say nothing then of the policy or propriety of making a legal tender without the authority of a Royal Proclamation, but he would appeal to those practically conversant with the currency question, whether the effect of placing any obstruction between the issuer of a note paying in specie, and the completion of the payment had not the effect of lowering the standard of value in proportion to the amount of the obstruction? Then see the effect of this result upon the payment of debts contracted before the standard was thus lowered. Was it not defrauding all the creditors of the kingdom to the amount of the depreciation? Couple this result with the consequences not only of increasing the monopoly power of the Bank of England with all its abuses, but of extinguishing those Joint-stock Banks which were established on the faith of Parliament. The noble Lord proposed to give to the Bank of England the sole right of circulating paper, not only to the exclusion of country bank paper, which had grown up with the prosperity of the country, but of the paper of the Joint-stock Bankers, which the Legislature only seven years ago had introduced as an improvement. In 1826, the system of Joint-stock Banks had been adopted as an improvement, and now they were called upon to change that system and adopt another improvement. Was there to be no end to those changes? Was the currency perpetually to be tampered with? Was the country to be the eternal victim of all those rash innovations and capricious changes, and tamperings with our monetary system, which any meddling hasty blundering Chancellor of the Exchequer might, in his self-complacent wisdom or folly be induced to introduce? He was sure that the over-issues of the Bank of England in the year 1823-24, and their subsequent rapid contractions, were the origin of the mercantile calamities of 1825, and not the issues of the country bankers. Though this was an undeniable fact, yet the noble Lord now called upon them to increase the issues of the Bank of England, and thus injure the commerce of the country, by increasing their monetary monopoly. Then look at the bargain which the noble Lord had concluded on the part of the public with the Directors. The noble Lord took great credit to himself for reducing the payment to the Bank for the management by 120,000*l.* a-year, which sum, said the noble Lord, multiplied by twenty-one years, (the period of the renewal of the charter), will give the public a total saving of some 2,600,000*l.* But on what data had the noble Lord made his calculations? Why, the artful statements of the Bank Directors themselves, the major part of which had no connexion whatever with the management of the debt. He was prepared to show that the noble Lord was in so favourable a position respecting the Bank, that he might have easily saved the public 6,000,000*l.* instead of 2,600,000*l.* The noble Lord was in a great error in calculating the amount of remuneration for paying the public creditor. The noble Lord took every million of the capital of the debt as his basis; while the fact was, he should only have considered the actual monies which would pass through the hands of the Bank for the payment of the debt. Now, this sum was in round numbers 30,000,000*l.*, and the question for the noble Lord to consider was, what would be a fair rate of commission upon the payment of this sum? Now, he appealed to every man acquainted with the money-market whether the very highest rate of commission for such payments was not 5*s.* per cent; indeed, there were many who maintained that 2*s.* 6*d.* per 100*l.* was quite sufficient; but he would take it at 5*s.*, and, at that rate, it would be seen that 67,000*l.* odd would have been ample remuneration for the payment of the debt, or, taking it in round numbers, say 70,000*l.*, instead of the larger sum of 120,000*l.* which constituted the reduced sum of the noble Lord. Then, a great reduction ought to have been made in the payment to the Bank for its trouble in the transfers of stock. The Bank was at no expense, and at but little trouble, in cases of transfer of stock, for the individual transferring was obliged to employ a broker, and the Bank had only the trouble of registering. 30,000*l.*, then, would have been ample remuneration for this trouble, which, with the 70,000*l.* for the management of the debt, would have been ample payment to the Bank, while the public would have saved a considerable sum annually. In addition to this, he asked, why should not the public have the benefit of the 4,000,000*l.* odd of balance which the Bank kept in its hands, and which belonged not to it and the use of which would in itself be a remuneration for the trouble of paying the public creditor? In all this he had omitted taking into consideration the remuneration which the public was in fairness entitled to receive for the great additional privileges which the noble Lord's measure would confer on the Bank—as he wished to avoid embarrassing the question. But the public was entitled to this compensation, and the question was, what should be its amount? He was not ready just then to answer the question positively in the affirmative; but he felt authorized to assert that the exclusive monopoly which the noble Lord proposed to confer on the Bank would enable it to add 6,000,000*l.* to its paper circulation. In the first place, he assumed that, as the Bank of England notes would be a legal tender for country notes, the country bankers, who now kept gold to meet their issues, would be compelled to keep Bank of England notes to the extent—he could not speak positively, but took 4,000,000*l.* to be about the mark. And was the public to derive no advantage from this privilege? He was sure that the Bank needed no consideration from that House, for that in their very minutest dealings the Bank Directors paid themselves and reaped large profits at the expense of the public. Look at the single item of charge for the building in which the national creditor was paid his dividend. They charged the public 25,500*l.* per annum for this building, under the pretence that it had originally cost them 550,000*l.* during the period of high prices. But was the Bank of England to be an exception to the fluctuations of the market—if it purchased at high prices was the public to pay the difference when the prices fell? But mark how carefully these gentlemen guarded their own pockets, when called upon to contribute towards the public expenditure. They rated and charged the public 26,500*l.* per annum for a part of their building. What would the House think when he told them that they rated their whole building (including this 550,000*l.* part) to the Assessed-taxes at 1,700*l.* Did not this fact speak volumes? They were told by the right hon. Secretary for the Treasury that the reason why houses were apparently so disproportionately rated for the Assessed-taxes was, that for the very costly ones no tenant could be procured, and that they were therefore rated at what they would let for. It was quite fair to say that large houses in the country ought not to be rated according to their original cost, because it would be impossible to find a tenant to occupy them at a proportionate rent; but the case was quite different as regarded the Bank. A tenant could be found—the country, in fact, might be said to be the tenant, for it paid the rent. He should consider it only fair and just that the Bank should take a rent proportioned to that at which they were rated. He would not, however, go into the subject at greater length. He merely rose to object to the House coming to any decision on such an important subject at that period of the Session, when Government, night after night, were calling on Members to postpone other important questions as the Session was drawing to a close, and it would be impossible to get through with them. That the question had not been brought on sooner Ministers only were to blame. Why had they not brought it forward sooner, and not leave a question of such importance till it was quite impossible to settle it satisfactorily? Mr. Pitt, when he renewed the Charter in 1800, recommended the renewal, on the ground that the Bank had been of great service in encouraging the industry of the country and promoting commercial prosperity, and that there could be no doubt about the propriety of upholding a system which had worked so well. That, however, could not be said now. Times were changed, and it was the bounden duty of the House to take time to consider these changes, and all the complicated bearings of the question. He should therefore support the Amendment.

Sir *Henry Parnell* had been a Member of the Bank Committee of last Session, and was bound to declare that the whole of its inquiry and evidence was *ex parte* and one-sided. The Committee proposed to itself to inquire first into the expediency of renewing the Bank Charter—next as to the terms of the renewal—and next to inquire into the present system of country banking; evidence to be heard in reference to all three points. But the fact was that no evidence was heard, it being agreed that the witnesses in favour of the Bank of England should be first heard, save that of Bank Directors, and London traders and bankers interested in the continuance of the present system of Bank monopoly, with the exception of three or four witnesses who questioned the advantage of that monopoly. The character, indeed, of the witnesses was sufficient as to the evidence which might be expected from them, it being impossible it could be otherwise than *ex parte*. He was himself the only Member of the Committee who was opposed to the renewal of the Charter, the hon. Member who spoke last not going all his length of opposition, and he was prepared with witnesses to depose as to the injurious operation of the Bank monopoly. But these witnesses were not examined nor indeed were any examined save those he had mentioned. He was told it was too late a period of the Session, and that the examination should be postponed till next year. He therefore was obliged to yield particularly as his noble friend (Lord Althorp) told him that the inquiry would be renewed during the present Session. It happened that he was not a Member of that House when, at the commencement of the Session, his noble friend announced his determination not to renew the Committee of Inquiry. If he had been, he most certainly would have reminded him of his promise, and insisted on going on with the examination of the witnesses for and against the Bank monopoly, On the face then of this deficient inquiry, they were called upon to legislate on a most difficult and momentous subject on *ex parte* and one-sided evidence, without any opportunity being afforded them for inquiring into the mischievous consequences of the Bank monopoly; and whether and how far the public would be injured by its being continued and without any opportunity to inquire whether the conduct of the Bank in reference to the public was of a character calculated to inspire them with confidence in arming it with additional powers over the public welfare. In point of fact, there was the same necessity for a Committee of Inquiry now as, this time twelve months, when his noble friend appointed that on the partial and interested evidence collected by which they were then called upon to sanction a most extraordinary measure, He really knew not on what grounds his noble friend could refuse this inquiry; for even as a question of policy, the public would be better satisfied with the proceedings of a Committee than with the single act of Ministers, even though the object and result were identical. A Committee could much better deal, on the part of the public, with the Governor and Directors of the Bank than the noble Lord. The Governor possessed advantages in a correspondence with the noble Lord, which he could not avail himself of against the public, if sifted before a Committee. Would a Committee have, in April, made proposals like those of the noble Lord to the Governor and Directors merely to be abandoned before the end of a month? Then, with regard to the question of renewing the charter, the noble Lord had told them, that he was himself satisfied that such renewal would be advantageous to the public. The noble Lord might have good reasons for his opinion, but it was right that Parliament and the public should be enabled, by inquiry, to judge of their validity. He held strong opinions of quite an opposite tendency to those of the noble Lord: he maintained, that experience was decisive against the evil of all monopolies; and were it only to inquire how far, and in what most efficient manner, the free trade principle could be applied to the Bank of England, he would vote for the gallant Member's Amendment. In addition to these theoretic objections to the present proceeding, he begged hon. Members to bear in mind that the collateral measures of the noble Lord were entirely new and his own, and not at all borne out even by the *ex-parte* evidence of the Committee of last Session. Were hon. Members, therefore, prepared to adopt those measures without inquiry? Had they heard any ground for the proposed conversion of Bank of England notes into a legal tender? If they were influenced by the authority of the best writers on the subject, he could tell them they were to a man against such a project, which, indeed, had no advocates save anonymous writers of very limited capacity. He was prepared to contend that the result of making Bank of England paper a legal country tender would be the establishing a paper currency throughout the country, with its consequence, gold and sovereigns bearing a high premium. He was also prepared to show, that the noble Lord's projected Joint Stock Company system would be neither more nor less than a perfect bubble. While, on the other hand, the proposition to do away with the existing Joint Stock Banks would be a positive breach of public faith, they having been undertaken at the instance of the Legislature and the Government. They had been eminently successful as a financial experiment, and no proof had been given of any fault of conduct which could warrant the proposed restrictions. Before such changes were made in our national policy, it was the duty of that House to institute the fullest inquiry, and the noble Lord was bound to prove his case, before he called upon them to act upon his own, it might be, even wise opinions. The proposition to make Bank of England paper a legal tender, to establish Joint-Stock Companies, and to repeal the usury laws in certain cases, were points not immediately connected with the question of the renewal of the Charter of the Bank of England. These were all experiments, and, he besought the House to consider the manifold evils which might arise from hasty legislation on these subjects. He wished for time to consider whether these changes were necessary, and he should, therefore, give his vote in favour of the Amendment proposed by the hon. and gallant member for Bolton.

Mr. *Richards*, feeling the inconvenience which must result, either from legislating without due inquiry on this important subject, or from leaving the question unsettled and undecided, after the Ministers had come down to the House and proposed their plan, was in a state of great uncertainty with respect to the way in which he should give his vote. He agreed with the hon. Member who had just spoken, that sovereigns would be at a premium in every country town at any distance from a branch bank, if the Government plan passed into a law. He was not, however, one of those who conceived that much inconvenience would arise from this circumstance, because he believed, it would bring into use a large amount of silver. He considered that part of the noble Lord's plan which related to Joint-Stock Banks to be very important. Now, it must be in the recollection of the House, that several years ago the people were not only allowed, but even invited by the Government to form Joint-Stock Banking Associations, which were described as being more firm and less liable to insolvency than banking companies composed only of two or three members. These banks had been the means of effecting a great deal of good throughout the country. The people had confidence in them, because they were generally well acquainted with the parties composing them, and they knew that each of the partners was liable to an unlimited responsibility for the debts of the concern. What, then, could induce the noble Lord to make this uncalled-for attack on country banks? In the town which he represented there existed a banking establishment, with the nominal capital of 200,000*l.*, but of which sum only 20,000*l.* had been actually paid up. This banking company had been productive of the greatest benefit to the neighbourhood. They were content with small profits, and were willing to do the public business at a cheap rate; but was that any reason for the Government destroying the establishment? If the noble Lord's plan passed into a law, this company would have to subscribe fifty per cent upon their nominal capital—that was 100,000*l.* which they would be compelled to place either in real securities or Government securities. Now, it was obvious, that it would be contrary to every sound principle of banking for them to invest their money in real securities, inasmuch as they could not, in that case, command the use of it in times of emergency and panic. They had the authority of Adam Smith upon this point. A bank, called the Ayr Bank, was once established in Scotland, on the principle that it would lend money to any persons, no matter whom, provided they could give adequate security. Adam Smith said, at the time, that the principle was a bad one; and the truth of his opinion was proved by the event; for, in two or three years afterwards, the bank stopped payment. The only alternative was to vest the property of the bank in Government securities. If the 100,000*l.* was so invested, when the Government securities were high, it was obvious that the first cannon-shot fired might reduce the sum to 60,000*l.* leaving the partners in the bank sufferers to the amount of a third of the money so invested. Thus a bank now yielding a profit of 600*l.* a-year, would then be carried on at an annual loss of 400*l.* He believed the plan of the noble Lord would lead to the sudden extinction of those banks; and he (Mr. Richards) called upon the noble Lord not to destroy the hopes of those who, on the faith of Acts of Parliament, had invested their money in those banks. He was ready to prove, that those banks were beneficial, not only to the shareholders, but to the people of the neighbourhood in which they were established.

He called upon the noble Lord, therefore, not to proceed in any hasty legislation against those Joint-Stock Companies. He felt the extreme inconvenience of leaving the country in a state of uncertainty on this question; and, notwithstanding that he felt great doubt and difficulty in voting against the introduction of this measure, yet, under all the circumstances, he would, certainly, give his vote for postponing the question till next year.

Sir *Matthew White Ridley* said, that the question was, whether they should take the subject of the renewal of the Bank of England Charter into consideration at present, or postpone it to a future period. Though he thought that many of the Resolutions were contrary to his interests as a country banker, he did not consider it in that light, but looked to it as a great measure, in accordance with the interests of the country. At a future stage, he would endeavour to show that some parts of the measure were prejudicial to the public interests; but the subject having been now introduced, and having excited from one end of the country to the other the deepest interest and attention, he thought that nothing could be more prejudicial to one party or the other than delay. He was quite sure, that the interest of all parties would be best consulted by the House coming to a clear and decided opinion on the main principles of the Resolutions. Though the period of the Session was late, and there was a great deal of business on hand, yet there would be plenty of time to discuss the principles of the Resolution, in order that the country might know what were the feelings and intentions of Parliament respecting them. Nothing could be more prejudicial to the country bankers than to leave them in a state of suspense for nine or ten months respecting the opinion of Parliament on this question. He would not then enter into the Resolutions, but in supporting the Motion for their considering them and voting against the Amendment, he must be understood as not pledging himself to vote for all the Resolutions themselves. He reserved to himself the right to discuss and oppose them in Committee.

Sir *Robert Peel* said, that he hoped he should not be thought guilty of disrespect towards the House if, at the commencement of this important discussion, he expressed an anxious hope that, for the sake of the character of the House, and the satisfactory adjustment of this great question, they were prepared to discuss it with patience, at least without manifesting that reluctance to hear speeches on matters of detail, which was sometimes manifested, in as much as every interest—the commercial, the manufacturing, and the agricultural—was deeply involved in the settlement of this important matter. In fact, there was no one question to which they could devote their time with more advantage to their constituents and the country at large, than that of placing the paper currency upon a permanent and satisfactory basis. The immediate question was, whether they should approve of the first Resolution—namely, that the Bank Charter should be renewed, or whether they should postpone the consideration of the whole subject to another Session. He was decidedly of opinion, that they would be abandoning their duty if they consented to postpone the question. It was impossible, however, for him to state the grounds upon which he had come to this conclusion, without adverting to other parts of the plan proposed by the noble Lord. He was prepared to affirm the first Resolution, declaring the expediency of renewing the Bank Charter, because the whole of the evidence taken before the Committee appointed to inquire into the subject last year, satisfactorily proved, as far as the authority of that evidence went, that it was expedient for the public interest, that there should be but one bank of issue in the metropolis, in order that it might be enabled to exercise an undivided control over the issue of paper, and give facilities to commerce in times of difficulty and alarm, which it could not give with the same effect, if it were subject to the rivalry of another establishment. The Bank of England was at least as well constituted as any other bank for the purpose of conducting the public business of the country; and he gave his assent to the proposition that the charter be renewed, not with reference to the interests of the Bank, but because it had been proved that the interests of commerce required that there should be but a single bank of issue in the metropolis, and that the Bank of England should be that Bank. He was also prepared to affirm other parts of the Resolutions. On the whole, he thought it desirable to assent to the 5th Resolution, which declared the expediency of repealing the Usury-laws in certain cases. He believed, that the effect of the Usury-laws in restricting liberal accommodation in times of commercial panic was most injurious; and he thought, that by permitting bankers to obtain full interest on their money, the Legislature incurred no risk of endangering the welfare of any class by preventing loans at the accustomed rate of interest; but, on the contrary, would supply the means of giving relief to commerce in times of difficulty. With respect to the terms which the noble Lord had made with the Bank, as involved in the fourth Resolution, he had nothing to remark, because it appeared to him to be a matter of very subordinate consideration. He had no desire to make a long discursive speech upon every topic which the Resolutions embraced, and therefore he should postpone, for the present, any reference to the manner in which they might affect country bankers, and joint-stock banking-companies now established. The Resolutions applying to them did not form an essential part of the noble Lord's plan for the renewal of the charter of the Bank of England; he would reserve, therefore, his right to discuss them at a more convenient opportunity. What would be the effect on the public interest, if country bankers were to be so far restricted, that they could not continue advantageously to carry on their business, he was not prepared to discuss at the present moment; but there was one portion of the noble Lord's propositions, not necessarily forming any part of the plan for the renewal of the Bank Charter, to which he was not prepared to give his assent—namely, the proposal contained in the second Resolution, to make the Bank of England paper a legal tender in all commercial transactions. He had not heard, in the whole course of this discussion, any reason whatever assigned for this measure. It was very difficult to predict what might be the consequence of such a vast change in the existing law and practice of the country; and that man would be guilty of great presumption who should be bold enough to say, that the consequences must, of necessity, be prejudicial. But the onus of proving the pernicious effect of such a measure did not lie with the opponents of the noble Lord. The noble Lord was bound to show conclusive reasons for the alteration of the existing law, of which he had heard with the greatest surprise. The noble Lord had not, however, been pleased to advance a single argument in justification of his Resolution. As far as authority went on this subject, he thought, after the removal of the restriction on the Bank of England, it had been an admitted axiom in the science of currency, that paper-money, by whatever authority issued, should be convertible into gold. Every one must recollect, that Mr. Burke, when comparing paper-money in England with the French assignats, said, that "Our paper is of value in commerce, because, in law it is of none; it is powerful on Change, because, in Westminster-hall it is impotent. In payment of a debt of 20*s*., a creditor may refuse all the paper of the Bank of England." This opinion concerning the principles of paper-money was shared by Mr. Huskisson, who, in 1819, opposed a proposition to allow engagements to be discharged in Bank of England paper, alleging, that he would never consent to allow one country banker to discharge his obligations by the paper of another banker. At present, all paper issued by the banking establishments of this country was liable to be exchanged for gold. But what was it the noble Lord proposed to do? To make all promissory notes, all debts, and even the deposits placed in banks, payable by Bank of England notes. He could not foresee all the consequences of that alteration, but he could not consent to it, unless the noble Lord showed him that some great evil was to be averted, or some positive advantage to be gained by it. The noble Lord would doubtless tell him, that periods of panic occasionally occurred, when the currency of the country was exposed to danger in consequence of the great demand for gold; but he trusted that the House would recognize the clear distinction between a commercial and a political panic. An instance of a commercial panic occurred in 1825, and of a political panic, in the month of May in the year 1832. Those panics arose from two different causes, and their effects were different. Since 1825, there had been no instance of a commercial panic, because precautions were then taken to prevent the main source of it by abolishing the 1*l*. and 2*l*. notes; the circulation of which notes had the effect of banishing gold from the country, of causing a rise of prices, and of encouraging that undue speculation, to which a rise of prices caused by excessive paper issues will infallibly lead. What, then, was the noble Lord's motive for proposing to make Bank of England notes a legal tender? Did he apprehend a commercial panic? It appeared, he believed (though he spoke not from accurate knowledge, for he was not a member of the Committee); but it appeared, he understood, from the evidence taken before the Committee on Trade and Manufactures, that though great profits were not obtained, the trade and manufactures of the country were in a flourishing condition; and they were flourishing, because they were conducted upon a sound basis; the immediate convertibility of paper into gold being a sufficient check against excessive issues and undue speculation. But perhaps the noble Lord wished to guard against the recurrence, and the effects of political panics; and did the noble Lord really think that any measure founded on those Resolutions would answer that end? Political panic owed its origin to very different causes from commercial panic. It was not produced by any undue stimulus given to trade; but by apprehensions that the institutions of Government were in danger, and that the Bank of England, being connected with the Government, might consequently be unable to meet its engagements. This was the case in May, 1832, at which period, in many parts of the country, the notes of country bankers were considered at least equally as good as the notes of the Bank of England, and in some cases were preferred to them. He admitted that there was a difficulty in devising means to prevent the occurrence of political panics, but he thought that the proposition of the noble Lord would totally fail in effecting that object. When once the people doubted the stability of the Government, they would naturally entertain doubts of the stability of the Bank of England. They would then, as a matter of course, demand payment in gold for the notes of the Bank of England; and if such demand were made simultaneously and universally, there was no doubt that the directors of the Bank would not have a sufficient quantity of gold in their coffers to meet it. The inevitable consequence would then be national bankruptcy. Did the noble Lord, in his plan, take any effectual precaution against political panic? He had been told, that in Dublin, the paper of the Bank of England was actually at discount in May, 1832. A banker in that city paid 600*l.* or 800*l.* to one of his customers in Bank of England notes. But in consequence of the agitation and alarm which then prevailed, a doubt was entertained (an absurd one, certainly), of the stability of the Bank of England, and the banker was offered a considerable premium to take back the notes, and to pay in gold. Nothing could be more absurd on the part of the person who received the notes; but in transactions of this kind, the apprehensions of ignorant and fearful people must be taken into account, for from the contagion of such apprehensions arose all the danger and all the difficulty. Against this, it was their business to guard, by every means in their power; but he very much doubted whether the step which the noble Lord proposed to take, would, in any respect, be a protection against the recurrence of political panic; because the ultimate tendency of the noble Lord's plan was, to substitute for country paper, the paper of that Company who were the bankers of the Government, and to diminish the quantity of gold in circulation, by providing a much less expensive substitute. Thus, the plan of the noble Lord, far from providing any security against political panics, would in fact be likely to render them more certain and more disastrous. He had heard it asserted, that nothing could be more insecure than our present system of currency. He entirely dissented from that statement. If they were to have a system of paper money at all, founded on a basis of the precious metals, he doubted whether they could have one placed on a better footing than that which existed at present. It did not give any security against a political panic; and what system could? But it guarded the country, as effectually as the nature of things admitted, against a commercial panic. Country bankers, now, had the option of discharging their engagements in gold, or in the paper of the Bank of England, with the consent of the holders of their notes; but to meet the difficulty of a political panic, the noble Lord proposed to pass a law to enable the banker to pay, and to compel the customer to take the paper of the Bank of England. Was it possible to correct erroneous impressions by Statute-law, or to inspire confidence by compulsion? Before he proceeded further, he wished to know whether it was intended that the branch banks of the Bank of England should pay, in gold, the paper issued by the Bank in London? [Lord *Althorp*: No.] He, then, understood that the branch banks could only be compelled to pay in gold, that paper which they themselves issued; and that all Bank of England paper issued in London, would only be payable in London, and not at the branch banks. He did not consider that part of the measure at all calculated to gain public confidence. The noble Lord must be fully aware, that when a panic occurred, a great demand for gold took place, and he endeavoured to prevent it by making Bank of England notes a legal tender, not imagining that the holders of them would take the trouble to send them to London to get them cashed, or to a branch bank forty or fifty miles distant; and this was the security which the noble Lord thought an effectual one against a political panic. The noble Lord had argued, that the Bank of England, having no control over the issue of the country bank notes, had consequently no control over the exchanges; and for the purpose of altering this state of things, he proposed to extend the circulation of Bank of England paper. In order to ascertain what weight ought to be attached to this argument, it was necessary to compare the amount of the country bank notes with the amount of Bank of England paper in circulation. Was it fitting to make an alteration in the monetary system like that which was proposed, without looking at the proportion which the country bank paper bore to the paper of the Bank of England? One hon. Gentleman had estimated the amount of Bank of England paper at five-sixths of the whole circulation of the country. This estimate appeared unduly large; it probably could not be correct; but, supposing that the country bank paper amounted to one-fourth or one-fifth of the whole paper circulation, could its effect on the exchanges be so great as to render it necessary for the House to give the Bank of England the proposed control over the paper circulation of the whole country? But, would the control of the Bank of England over the whole paper circulation of the country be so immediate as the noble Lord expected? Supposing that the noble Lord's plan was successful, and that country bank paper was banished from the circulation, would not the Joint Stock Companies and other banking establishments require from the Bank of England a guarantee to give them a certain amount of bank-notes? The time might arrive when these several establishments would feel it necessary to avail themselves of their credit with the Bank of England, and precisely at the same moment the Bank of England might find it desirable to restrict its own issues for the purpose of correcting an unfavourable exchange. At one period, the Bank of England, acting on the principle of a commercial company, and desirous of making the largest profit possible, might deal very liberally with the Joint Stock Companies, and guarantee them a large amount of notes, and by that guarantee, the Bank must abide, however prejudicial it might be at the particular moment to the country. He therefore was not prepared to admit the policy of giving the monopoly of the paper circulation to the Bank of England; and if the noble Lord's plan should be adopted, he very much questioned whether the Bank of England, by guaranteeing a certain amount of notes to the Joint Stock Companies and country banks, and thereby placing so much of its circulation out of its own control, would be able to exert an immediate power over the exchanges, or provide the means of safety in cases of difficulty and times of political panic, as at present. He was afraid that one of the consequences of the proposed measure would be to diminish the amount of the gold in circulation, to cause a difficulty in making small payments, and to lead to a demand for the re-issue of one and two pound notes. In consequence of gold being equally diffused throughout England and Wales, country banks were rendered secure. Instead of the present system of having gold equally diffused throughout the country, and held by country bankers for the purpose of meeting their engagements, would it be safer to allow it to accumulate in the coffers of the Bank of England, or its branch banks, from which it could only be drawn by presenting at the different banks their respective notes? In Scotland and Ireland a small paper circulation existed; but nothing could be more fallacious than to infer, that because such a currency was safe in those countries, it must be beneficial in England. The small note currency of Scotland and Ireland was upheld by the gold which circulated in this country, which was sufficient to sustain the superincumbent mass of English, Irish, and Scotch paper. But if we introduced the Scotch system into England, there would not be security for our paper circulation even for a month. That which was good as a medium of circulation in Scotland to the extent of 3,000,000*l*., and in Ireland to the extent of 2,000,000*l*., would, in England, where it must extend to 30,000,000*l*., utterly and completely fail. The noble Lord said, that his plan would not diminish the amount of gold circulating in the country, and yet the plan of the noble Lord gave every private banker a direct interest in discouraging the circulation of coin. If there was an over-issue of paper, it fell back on the bankers again from whom gold was demanded. Now, there were 400 private bankers in the country. [An *Hon. Member* said: 500.] He would take the number at 500. The noble Lord was going to close 500 sources from whence gold is now issued to the holders of paper who had confidence in that paper, because it was so readily convertible at will. A great difficulty he was persuaded would be felt in making small payments from the deficiency of gold; and though the noble Lord would, of course, be very unwilling to issue 1*l*. and 2*l*. notes, there were other ways of accomplishing that end. There was no law against issuing notes for 5*l*. 10*s*., or for five guineas. Here then was a mode of supplying the deficiency of a gold circulation. There might be notes of 6*l*. and a man who had 1*l*. to pay might give 6*l*. and receive 5*l*. in return, or with notes of 5*l*. 10*s*. or 5*l*. 5*s*. he might pay 10*s*. or 5*s*., receiving back a 5*l*. note. He believed that something of the kind occurred even in Ireland, where the issue of notes for 35*s*. and 25*s*. banished silver from circulation. Thus the inconvenience arising from the gradual disappearance of gold, would not at first be sensibly felt. Partial remedies, such as these to which he had been referring, would be resorted to, and he should not be aware of the full extent of our danger until after the gold coin had disappeared and some cause or other led to a general and simultaneous demand for it in exchange for paper. The noble Lord denied, that he contemplated the depreciation of the standard or increased facilities for paper issues. But his plan was supported by those who contemplated both these results, as the consequences of it, and without such support founded on such motives the noble Lord's plan had no chance of being carried. The noble Lord might consider that, by establishing the monopoly of the Bank of England, through facilities given to Joint Stock Banks to circulate its notes, and by the destruction of the country banker, he was producing an advantageous state of things; but he doubted it. [Mr. *Hume:* Hear! hear!] On that point he was glad to find that the hon. member for Middlesex agreed with him, if in nothing else. Let them suppose, that by encouraging the monopoly of the Bank of England, it was enabled to drive the country banks out of the field; for, although the law would still permit the establishment and continuance of private banks, yet it was quite clear, that Companies might be formed on so extensive a scale, and with such privileges, as to make it impossible for private individuals to compete with them. It was known that Companies had considered it profitable to sacrifice a part of their capital for the purpose of ruining an individual trader. It was possible, then, that the ultimate effect of this plan would be so far to injure the trade of the country banker as to make it impossible for him to carry on his business. Now, provided security were taken against their paper being issued in excess, there was great advantage in permitting the issue of paper by solvent country banks. They had a more intimate knowledge of the farmers, and retail dealers in their neighbourhood than could be obtained by any Joint-Stock Bank, or by the agents of the Bank of England. They could, therefore, deal out credit more liberally than the Bank of England. They could, from knowing the character of parties, accept personal security, and thus give to an industrious and enterprising man that accommodation which the other banks would not afford without real securities. Country bankers could issue paper on cheaper terms than Joint-Stock Banks. What objection, then, could there be to the country banks issuing their paper, provided that paper was convertible into gold? He doubted, therefore, if they would gain the object they had in view—of giving advantages to the agricultural and commercial part of the community by a measure which might destroy the country bankers. He doubted, if it were wise, supposing that such would be the effect, to destroy country bankers. All these were considerations which ought to have weight with the House before they came to any determination, and particularly before they came to any Resolution, declaring that the Bank of England notes should be a legal tender. He repeated, that he did not agree with the noble Lord, that those who opposed his system were bound to point out the disadvantages of adopting it. The noble Lord should demonstrate the evils of the present system and the advantages of that change he proposed, before he called on the House of Commons to alter that which it ever had been, with the exception of the period of the Bank Restriction Act, and which he should ever contend ought to be, the principle of the law—namely, that those who circulated paper engagements, undertaking to pay certain sums of money, should be bound to give in exchange for those promises a definite weight of the precious metals. Before the noble Lord departed from the great principle of making a man responsible for what he promised —before the noble Lord exonerated him from discharging his debt in the standard coin of the realm, the noble Lord was bound to make out a very strong case. The noble Lord proposed to go further than the Bank Restriction Act, of 1797. That Act did not make Bank of England notes a legal tender—it only deprived the creditor for a time of a summary remedy against the debtor on the tender of Bank of England paper. The parties were still responsible for the payment. The noble Lord proposed not only to protect the parties against summary process, but gave them their discharge altogether on tendering the paper of the Bank of England. That paper was to be legal payment also, not only for public taxes, but for all deposits and all debts. To this measure, considering it a departure from the principle of the Act of 1819, and from the true principles which should govern a paper currency, he could not give his support.

Lord *Althorp* thought, he had already stated the reasons why he asked the House to agree to these Resolutions. The right hon. Gentleman assumed that he proposed this plan in order to avoid political panics. If, however, the right hon. Gentleman recollected the evidence given before the Committee of last Session, he would recollect that all the witnessses, without any exception, gave it as their opinion that it was not possible by any means to guard against political panics. That, therefore, was not his object. He did not expect to guard against them. He never had supposed it possible to guard against political panics. The object he had in view in making the proposition was this —all the persons who gave evidence as to the cause of commercial panics agreed in this; that, at the very time they take place, all the bankers who issued notes were obliged to provide themselves with coin in proportion to the demand likely to be made on them. To do that the country bankers took care not only to collect all the coin possible in their own neighbourhood, but they made large demands on the metropolis for coin. The consequence was, that there was this internal drain on the Bank of England for gold at the very moment that there was also a large drain on it from abroad, in consequence of the exchange being against us. There were thus two drains on the Bank—the internal drain, and the drain from abroad. It appeared, therefore, to him, that it would be a great advantage if he could get rid of one of those drains; and for that reason he had proposed this change. The right hon. Gentleman seemed to think, that the 500 banks now kept a reserve of cash, but the evidence did not altogether bear out the supposition of the right hon. Baronet. It was given in evidence before the Committee last year, that the country bankers generally kept gold in proportion only to one-twentieth of their liabilities. They possessed all of them convertible securities; and whenever they were pressed for cash, these securities were sent to London, and coin required for them. He did not see, therefore, that his plan would have the effect of driving the coin out of circulation, though he readily admitted, that, if one-pound notes were issued, they would drive the coin from circulation. Experience had proved, that paper and coin of the same denomination could not circulate together; but if the paper were of a higher denomination than the coin, it would not supersede the use of it, and both might circulate together. The right hon. Gentleman argued as if the country bankers seldom got coin from London, but he believed, that the country bankers seldom collected much coin from their own neighbourhood, but rather drew it in large sums at once from London. The right hon. Gentleman said, that the plan would be supported as tending to depreciation—he had not proposed it with that view. He agreed with the right hon. Baronet that depreciation was most undesirable; but he did not see, looking at the state of the country—looking at the facility of communication with every part of it—he did not see how it was possible for a different value to exist for paper convertible into gold, and gold, in any part of the country. He felt convinced, that the facility of communication would keep the convertible paper and the metallic currency every where at the same value. He could not conceive it possible that there should be any difference of value of these two articles in any part of the country. The right hon. Gentleman said, that it would entirely annihilate the country bankers; but he (Lord Althorp) could not conceive that such would be the effect. It would only make the country bankers circulate the Bank of England notes, lodging proper securities. If the Bank of England took care that the amount of the securities remained about the same, there could be no great variation in the amount of the issues. The effect would be the same as if the Bank discounted the bills of other dealers. Certainly, it would give the Bank a more complete control over the circulation than at present, should any occasion arise, when, from the competition of banks, or other circumstances, there might be an increase of circulation. He was in hopes that the plan would supply great additional accommodation, and at the same time he believed, that it would prevent fluctuations in the currency, and, consequently, danger to the country. It was well known that at the very time when the exchange first turned against this country, the demand for accommodation increased, which the country banks, little affected by the rate of the Exchanges, were ready to supply. The consequence was, an increase of paper got into circulation, when it ought to be diminished, and great fluctuations, and great danger ensued. He concurred with the right hon. Baronet in his opinions of the Scotch system, which did very well as long as the Scotch bankers had the stores of the Bank of England to apply to. That system owed its safety to the bullion kept in the Bank of England. He concurred with the right hon. Gentleman, that if the Scotch system were spread into England, it would place the country in great danger. He had been required, he thought, to explain, and therefore he had done so immediately after the right hon. Baronet.

Mr. *Foster* had no objection to the first part of the plan, but he had great objections to establishing local banks with partners of limited responsibility. He had also great objections to make to that part of the plan which went to make Bank of England notes a legal tender. It was founded on an erroneous principle, and was, in his opinion, pregnant with danger. He believed, that it would not decrease the demand for gold in panics, but would increase it; and as the country bankers would then have none, and would only have Bank of England notes it would much increase the danger. He entirely concurred with the right hon. Baronet opposite, in thinking, that making Bank of England notes a legal tender would not prevent a run for gold. There would be many simultaneous demands on the Bank, and the consequences would be serious.

Major *Handley* said, whether the plan proposed by the noble Lord were for good or evil, he had come to the conclusion, that it was necessary at once to consider the question. Whether the plan would enlarge or contract the currency he did not know, but he knew that to leave upon the country the *incubus* of uncertainty would be injurious to the interests of commerce. He could not, therefore, consent to the Amendment for postponing the discussion. He felt, also, bound to add, that the House had ascertained a sufficient number of principles to enable it to proceed to a decision, without the necessity of further inquiry. When he first perused these Resolutions, he thought that they would have the effect of giving a stimulus to the circulating medium. But he had since found that they contained sedatives as well as stimulants, for in retired parts of the country the circulation would be contracted—producing distress and loss in the agricultural part of the county. He should, therefore, oppose some of the Resolutions, but he should think it his duty to vote for now considering the subject.

Mr. *Baring* had followed this subject closely, and had attended diligently to its history, and he could not reconcile it to himself to allow it to go to the vote without offering a few observations to the House. There was a great diversity of opinion on this subject; and as it was one which might be discussed without party views, those differences should convince the noble Lord, that the opposition to his Motion was honest, and founded on conviction. It was impossible to look at the question, and not regret the period of the Session at which it was brought on. It was now past Midsummer, and it was brought forward for the first time. It was impossible to see what went forward in that House—at least nobody acquainted with the House, but must know that this was a season when hardly any subject could be urged which could fairly attract the attention of the House. One-half of their time they were counted out, and the other half they attended so reluctantly, that it was almost physically impossible that any important business could be adequately discussed. If all the cases before the House, if all the subjects under discussion, were to be fairly and adequately discussed, he did not see how they could get to the end of the Session for several months. There was not only the Bank question, but there were five or six other questions of almost equal or greater importance, and no decision had been come to on any of them, further than agreeing to some general principles. There was the question of the West Indies, and of voting 20,000,000*l.* [*"question, question!"*] He did not see why the hon. Member called "question!" but, certainly, if every person who attempted to address the House on the subject under discussion were to be interrupted, he saw no means of getting through it. The question before them was undoubtedly of great importance, and he was referring to the fact, that half a dozen other questions of equal importance had been brought before them, as a reason why this might be delayed. He contended that the Bank Committee had not inquired into all the subjects connected with the renewal of the Charter—had not inquired at all into the bargain made with the Bank—had not inquired into the mode of dealing with country bankers; and therefore he was of opinion, that they were not then ready to discuss those matters. He thought it would have been proper to postpone this question, had the Government in the first instance resolved to do it; but as it had been discussed, and as the Resolutions had been proposed, that gave the matter a new aspect, and made him say, it ought to be settled at once, for otherwise they might shake the confidence of the country. Certainly, the essential parts of this question ought now to be settled. The immediate question they had now to decide was, whether the first Resolution should be agreed to. That Resolution was, "That it was the opinion of this Committee that the Bank Charter should be renewed." On that subject he believed, that the opinions of all the witnesses had been in favour of the renewal. The universal opinion was, that the Bank was a useful institution, had been honourably conducted, and that it would be injurious to the public to establish any other bank of issue in the neighbourhood of the metropolis. The right hon Baronet, the member for Dundee, who had attempted to make out the reverse of that proposition, had entirely failed in doing so. So far then it seemed, that the first Resolution was established. He had a few observations to make on the second Resolution, on which the right hon. Baronet, the member for Tamworth had made a speech, which, had produced, like most of his speeches, a great impression on the House. He himself must say, that he thought it was a judicious proceeding to make Bank paper a legal tender in the country, and in the country banks. He had long thought, that a measure of that sort would be beneficial. It was not that he thought it possible to bring paper altogether into competition with specie, but it was because he entertained a strong suspicion, that such a measure would have the effect of placing the currency on a safer foundation, and maintaining the par value of the coin. It would, in fact, be only doing that by law which was now done by individuals, for their private convenience. At this time, though a man was liable to pay his debts in gold, he did, in fact, pay them by a cheque, yet no one thought that that custom was injurious to the safety of public credit, although the cheque was, in the first instance, paid in paper, and that paper circulated before it was converted into gold. The great object, indeed, of this country was to preserve, in its paper currency, a power of quick convertibility into gold. He saw no possible danger, but great benefit, from such a measure. If there was a general panic, and all the public concurred in making a run for gold, injury to the public must, under the present state of currency, necessarily arise; for there was no state of currency that could stand such a shock. But that case—the case of a political panic—was of rare occurrence. In the case of a commercial panic, the state of things was totally altered, and there were ten of the latter for one of the former. It was against the latter, therefore, that they ought chiefly to attempt to provide; for the former was pretty well beyond their power. With respect to a commercial panic one example was worth fifty arguments. In that of 1825, the panic arose—not from any unfortunate state of foreign exchanges with reference to this country, but from a want of confidence in the bankers of the country; and the run was upon the Bank of England, but not for gold; for the run was put an end to by payments in bank paper. It seemed to him, therefore, that the second Resolution might be with propriety adopted; and he could not hesitate in declaring, that he concurred in it With respect to the bargain made by the Government with the Bank, it was said by some Gentlemen, that the interests of the country had been sacrificed. If that were so, the Bank could hardly make a sufficient compensation; but it was not. He must admit, that he thought the Bank had had a little the advantage of the noble Lord on this occasion, or rather that the noble Lord had not made all that he could in the bargain. But then it was said, that the Bank, in the management of their own business, did not attend to the interests of the country, but of themselves, and always acted with a view to their own profit, in preference to every other consideration. He could only say, that when he was connected with the Bank, which was long ago, that was not the case, nor did he believe that it had ever been so since; but that all questions decided by the Bank Directors, who took, as they were bound to do, proper care of the interests of the institution over which they presided, were so decided with every possible view to the public advantage. Indeed, they would take but a shallow view of their own interests if they did otherwise. Those who thought otherwise were wrong; and he believed, that a body of men more honourable in their personal character, or more fit to be trusted, it would be impossible for any combination of law to produce. With respect to that part of the noble Lord's Resolutions which related to the country bankers, he wished the noble Lord to consider whether he could not put it off till the next Session. That part of the Resolutions formed no part of the agreement with the Bank of England; and the noble Lord might consider whether it was not possible for him to pass the rest of the Resolutions, and postpone that part of the plan to another time. He, himself, had always been rather favourable to Joint Stock Companies; but if these branch banks were to drive out the smaller banks, he should think that the consequences of such a measure were greatly to be dreaded. The smaller banks gave accommodation which great establishments could not do—they went into petty details with the farmers and smaller traders in their neighbourhood in a manner which the larger banks could not, and would not imitate—and they acted in that way much to the benefit of the country. He should also propose to the noble Lord to adopt the following alteration in the wording of the Resolution. As it now stood, it declared, "that it is the opinion of this Committee, provided the Bank of England shall be bound by law to discharge its notes in gold." Why the Bank was bound by law so to discharge their notes; and the words ought to be "so long as the Bank shall continue to discharge its liabilities." He should only now add, that he should prefer the Resolution, if the payment were to be confined to London.

Sir *Francis Burdett* said, he had a strong impression not at all conformable to the views adopted in the Resolutions generally; but he was inclined to vote for the two first, and he did not think that doing so would pledge him to support the rest. He should, therefore, give his assent to the first and second Resolutions. The right hon. Baronet, who had attempted to show that the principle of free trade ought to be applied to this system, had failed in the object of his argument; for those reasons which operated generally most adversely to the granting of monopolies might here be cited in favour of this particular monopoly. The objection to monopolies generally was, that they restricted the circulation of goods and enhanced their value. That was the very object up to a certain extent, which ought to be sought after with regard to paper currency, and therefore the general reasoning against monopolies did not apply. He was friendly to what he might term a relaxation of the currency, if that could be effected, as he thought it could, without danger to the public. He thought it might be effected in the present instance. The commercial panics which were so much to be dreaded were usually caused by the impossibility of controlling the issues of the country bankers, but he thought that that control would be established by this measure. The two first Resolutions might then be agreed to, and the others discussed afterwards.

Mr. *Hume* said, that after an expression in the speech of the hon. Baronet opposite (Sir Francis Burdett), he could not remain silent, more especially when he remembered the vote they had lately given against the depreciation of the currency. The hon. Baronet talked of "a relaxation of the currency." Why, what was a relaxation of the currency but a depreciation of the currency? If that was to be the effect of these Resolutions, he should oppose them. He agreed with the arguments of the right hon. Baronet below him (Sir Robert Peel), and believed that the result of the whole plan would be to produce a depreciated currency. Yet what had the noble Lord said on that subject not long since? Why, that a currency ought not to be maintained but on the principle of perfect convertibility. If that principle was not maintained—if we were to have a depreciated currency, we should be descending the ladder again. He believed that the bargain the Government had made with the Bank was improvident for the public, and looking at that, and looking at the fact that the Bank-notes were only to be convertible in London, he could not consent to adopt the noble Lord's Resolutions. He should certainly vote for postponing the consideration of the Resolutions to another Session.

The Committee divided on the Amendment: Ayes 83; Noes 316—Majority 233.

List of the AYES.

Aglionby, H. A.
Andover, Lord
Astley, Sir Jacob
Attwood, M.
Bainbridge, E. T.
Baldwin, Dr.
Baring, F.
Beaumont, T. W.
Berkeley, G.
Biddulph, R.
Blackstone, W. S.
Blake, M.
Blamire, W.
Bowes, J.
Brotherton, J.
Brocklehurst, J.
Bulwer, H.
Butler, Colonel
Calvert, N.
Cayley, E. S.
Chaplin, Colonel
Chaytor, Sir W.
Clayton, W. R. C.
Duncombe, Hon. W.
Evans, G.
Faithfull, G.
Fellowes, Hon. N.
Fielding, J.
Finn, W.
Fitzsimon, C.
Forester, Hon. C.
Forster, C. S.
Galway, J. M.
Gaskell, D.
Gisborne, T.
Godson, R.
Guest, J.
Hawkins, J. H.
Hoskins, K.
Hume, J.
Hutt, W.
Irton, J.
James, W.
Lester, C.
Lowther, Lord
Lowther, Hn. Colonel
Moreton, Hon. H.
Morison, J.
Nagle, Sir R.
O'Brien, C.
O'Connell, J.
O'Connell, M.
O'Dwyer, A. C.
Parker, Sir H.
Parnell, Sir H.
Peel, Colonel
Pigott, R.
Potter, R.
Plumptre, J. P.
Richards, J.
Rickford, W.
Roche, W.
Romilly, E.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Scholefield, J.
Scott, Sir E.
Scrope, P.
Shawe, R. N.
Stanley, E.
Strutt, E.
Tancred, H. W.
Tayleur, W.
Trelawny, W. L.
Tyrell, C.
Vesey, R. N.
Wallace, T.
Wason, R.
Welby, G. E.
Whalley, Sir S.
Williams, Colonel
Williams, W. A.

TELLER.
Torrens, Colonel

The Main Question was then put,

Mr. *Poulett Scrope* protested against the original Resolution, but his speech was drowned by loud cries of "Question!" "Divide!" "Adjourn!" "Oh, oh!" and sundry expressions of impatience. After trying for some time to obtain a hearing, the hon. Member moved that the Chairman do report progress.

Mr. *O'Dwyer* declared that he was a member of the Political Unions so much abused in that House, but in no Political Union had he witnessed such uproar as he had just heard. [*Great interruption*] This was a question which deeply affected the interests of the Empire, and it was monstrous that hon. Members should come down to the House apparently with a determination not to listen to what was said, and to drown everything in uproar. [*Marks of great impatience.*] He cared not for these interruptions, but he must say, such a question ought to be debated at least with decency.

The *Chairman* said, the question was, that he should report progress and ask leave to sit again.

Lord *Althorp* objected to adjourning before passing the Resolution. This was certainly a question deserving serious consideration; but after the House had been so long addressed on the subject as it had been, it was not surprising that it should exhibit some symptoms of impatience.

Motion to report progress withdrawn,

The first Resolution was agreed to; and the House resumed. The Committee to sit again.

SIMPLE LARCENY.] Colonel Davies moved the Second Reading of the Simple Larceny Bill.

The Solicitor General moved that it be read this day six months. He objected to a provision of the Bill which gave to two Magistrates the power of committing juvenile offenders to prison without the intervention of a Jury.

The House divided on the question that the word "now" stand part of the question. Ayes 43; Noes 46—Majority 3

Bill postponed for six months.

* * *

HOUSE OF LORDS,

Monday, July 1, 1833.

MINUTES.] Petitions presented. By the Marquess of STAFFORD, from Sheffnal, and other Places in the Mining Districts of Staffordshire, for the Repeal of the Sale of Beer Act.—By the Earl of GOSFORD, from Crowle, Isle of Axholme, for the Repeal of the Malt Tax.—By Lord SUFFIELD, from the Society of Friends, against Tithes.—By the Earl of RODEN, from Ferns, for a Revision of the Criminal Code.—By Lord FOLEY, from several Places, against Slavery.—By the Earl of BELHAVEN, from Stonehouse, for an Alteration in Church Patronage (Scotland).

EDUCATION (IRELAND).] The Earl of Belhaven presented a Petition from the General Assembly of the Church of Scotland, against the Irish Education System.

The Earl of *Roden* said, that he could not help expressing his sincere regret, that the noble Earl had not given notice of the day it was his intention to present this latter petition—a petition which emanated from a most important body of persons, and which related to a very important question. If the noble Earl had had the courtesy of giving that notice, he (Earl Roden) should have had an opportunity of communicating, from the Assembly of the Church of Scotland, important information, in order that their Lordships might be fully acquainted with the general feeling that prevailed in Scotland on this system of education, adopted by the present Government, and still pursued by them. The proposed Resolutions were not strong enough for the General Assembly; they were mere milk-and-water Resolutions, and did not express the real feelings of that body; they were consequently rejected, and the present petition was agreed to by an overwhelming majority, instead of the Resolutions proposed by the friends of Government. He thought that a fair statement should be made relative to the circumstances in which the petition had originated; which ought not to be thus silently laid on the Table.

The Earl of *Belhaven* said, with respect to the charge of not having given notice of the petition, that he did give notice of it to a noble Earl opposite; that he mentioned his intention of presenting it, and said, that he was quite ready to present it on the day that might be most agreeable to their Lordships. With respect to the circumstances attending the petition, he thought he should have been wanting in duty to their Lordships, had he entered into any discussion about them.

The Earl of *Haddington* said, that he would refrain from any discussion on the matter, but as he had certain communications to make on the subject, perhaps it might be as well to state them to their Lordships. It was only doing justice to the Assembly with which the petition originated, to state, that the petition was not got up for the purpose of embarrassing the Government. The feelings of the Church of Scotland on the Government system of education adopted in Ireland, were not new to him, and he knew that the petition of last year spoke the general feelings of that body. The petition of this year contained stronger expressions than that of the last year, but he doubted whether all the members of the Church of Scotland went so far. It was certainly their opinion, that in all those Government Irish schools, there should be a Protestant teacher, that the Bible should be made a class-book, and that certain hours should be devoted to Protestant instruction. The Resolutions which were rejected, were not of a milk-and-water character, as the noble Earl had described them, but they went to express an opinion, that having petitioned last year, the General Assembly did not, of course, think itself again called upon to petition. If the noble Earl chose, he could tell him the numbers that voted on the petition. There were in favour of it 166, and 55 or 56 for the Amendment, and many of the minority agreed generally with the majority on the matter of Irish education. They would not encourage Catholic schools unless the Bible were made a ground-work of education in them.

The Earl of *Wicklow* said, that though there might be some doubts entertained as to the petition of last year, there could not be the slightest doubt as to the petition of the present year, nor as to the general feeling of the respectable body from which the petition came, respecting the Government system of education pursued in Ireland. On that system a good deal of misconception prevailed. He would refer to the Returns from the Irish Education Board and it would be seen from the first Return made by the Commissioners after a lapse of a period of two years, that there were no means of ascertaining the amount of private subscriptions under the present system, or of knowing whether the late Secretary for Ireland's Resolutions were acted upon.

Viscount *Melbourne* complained of want of courtesy on the part of the noble Lords opposite in originating a debate on this subject without any notice. If the noble Earl who spoke last had applied to the most reverend Prelate, the Archbishop of Dublin, one of the Commissioners, he might have obtained the information, that he said the Report of the Commissioners did not contain. With respect to the petition presented to their Lordships, he would say, that it was with great concern that he saw such a body as the General Assembly of the Church of Scotland passing so severe a censure as the petition embodied on the system of education that Government thought fit to pursue for another part of the United Empire. He confessed himself a party to that system of education, which he considered well adapted to the wants of Ireland, which, upon trial, had already been found to work well, and which could not in any way interfere with the established religion. However, any effect that the petition would have upon Government would be light indeed compared to the regret that would be caused by the Resolutions upon which the petition was founded being the avowed opinion of that Assembly. That opinion was neither more nor less than this, that the Catholics should have no education at the expense of the State, if they would not accept an education contrary to the principles of their religion. The minority, however, that opposed the Resolutions contained many men of distinction, among others, the Lord Justice Clerk, the Dean of Faculty, the Professor of Divinity of the University of Glasgow, and Dr. Cooke; all persons of considerable influence in the Assembly and in Scotland, and of great learning. It was certainly some consolation that the Resolutions should have been opposed by such distinguished persons.

The Bishop of *Exeter* was extremely reluctant to say anything upon the petition, and would have said nothing, were it not for the remarks of the noble Viscount reflecting on the liberality of the Assembly with which the petition originated. The noble Viscount implied, that the Assembly of the Church of Scotland was disgraced by this petition.

Viscount *Melbourne:* I did not say so.

The Bishop of *Exeter:* It appeared to him that the noble Viscount's remarks were a reflection on that body, for having come to the Resolutions on which the petition was founded.

Viscount *Melbourne* would adhere to what he had said.

The Bishop of *Exeter* was bound to repeat, that his impression of what the noble Viscount said, was, that the noble Viscount considered the Church of Scotland disgraced by the present petition. It was his own opinion, that if any persons professing to be Christians did not take the Bible as the ground-work of education, they could be no friends to the established religion. The Catholic Bishop of Glasgow allowed Catholic children to attend the Scotch schools, in which the Bible was read as a class-book; but if the Roman Catholics of Ireland would not adhere to the system of Government education, unless the Bible was driven from the schools, it was quite clear they were no friends to the established religion. The withdrawal of the Government grant to the Kildare-street Society was complained of by several persons of large property in Ireland.

The Earl of *Haddington* had not understood the noble Viscount to have asserted, that the General Assembly had disgraced itself by the present petition, but merely that it betrayed illiberality, and the noble Viscount regretted the effect which their Resolutions would have upon the progress of education in Ireland. For his part, had he been a member of the General Assembly, he would have voted against the petition, for he did not think that that body was called upon to go so far beyond their vote of the preceding year. He was far, however, from asserting, that it was surprising that they should have forwarded such a petition, as no subject could be so interesting to them as that which was then before the House, affecting as it did the progress of religion.

The Duke of *Wellington* reminded the House, that when the petition of last year was drawn up, the General Assembly had agreed to certain Resolutions, founded, as afterwards appeared, upon a misconception of the intention of the right hon. Gentleman who introduced the new plan of education to the House of Commons. The Assembly was therefore anxious to have the error rectified, and they now sent forward a petition for that purpose.

Petition to lie on the Table.

HOUSE OF COMMONS,

Monday, July 1, 1833.

MINUTES.] Papers ordered. On the Motion of Mr. O'CONNELL, an Account of the Number of Stamps issued to each Newspaper in Ireland, from the 5th January, to the 7th June, 1833.—On the Motion of Mr. FINN, an Account of the Union Compensations laid before Parliament in 1805: of all Claims for Compensation on Account of the Representative Franchises of Ireland which were admitted, and also of such as were disallowed, and rejected.—On the Motion of Mr. Alderman THOMPSON, an Account of the Official Value of Goods Warehoused in the Port of London, in the years 1831 and 1832: also an Account of the Imports and Exports of the United

Kingdom, for the years 1830, 1831, and 1832; and of the Quantity of the different Articles retained for Home Consumption.

Bills. Read a second time:—Artillery Pensions; Church Building Act Amendment.—Read a third time:—Highland Roads and Bridges.

Petitions presented. By Sir James Graham, from Leith, against the Edinburgh Community Estates Bill.—By Mr. Cayley, from Richmond (York), against the proposed Alteration in the Bank of England Charter.—By Mr. Kemyss Tynte, from certain Retail Dealers of Ilminster, that 2*l.* Notes may be in Circulation.—By Mr. Hume, from St. Luke's, Chelsea, for Poor Laws to Ireland; from several Places, for placing Retail Dealers of Beer on a Footing with Licensed Victuallers; from Prisoners for Debt in the King's Bench Prison, in favour of the Imprisonment for Debt Bill; from the University of Glasgow, for the Repeal of the Apothecaries Act; from the Procurators of the Sheriff's Court, Fife, for an Alteration of the present System of Conveyancing in Scotland; from a Friendly Society at Hounslow, for the Repeal of the Laws on Benefit Societies; from Hendon, against the Assessed Taxes; from Lawrence Kirk, for an Alteration in the System of Lay Patronage; from a Dissenting Congregation in the City of London, for making Marriages performed by their own Clergymen Legal; from the Committee of the Working Classes of Edinburgh, for an Inquiry into the State of Ireland; from the Presbytery of Aberdeen, in favour of the New System of Education in Ireland.—By Mr. Bethell, from the Sugar Refiners of Kingston-upon-Hull, for allowing the Use of Foreign Sugar in Refineries.—By Mr. Denis O'Connor, from Kilmiston, against Tithes and the Commutation Act.—By Mr. William Duncombe, from three Places, against the proposed Alteration in the Bank Charter.—By Mr. Greene, from Lancaster, and Mr. Marryatt, from Deal, against the Notaries Public Bill.—By Mr. Greene, from the Medical Practitioners of Lancaster; and by Mr. Frankland Lewis, from the Royal College of Surgeons, London, against the Apothecaries Bill.

Spies—Case of Popay.] Mr. *Cobbett* said, he hoped, that before the noble Lord moved the order of the day, the noble Lord would allow him to move for a Committee to inquire into the allegations of the petition he had presented on Friday.

Lord *Althorp* observed, that the introduction of this subject was rather irregular, but he was very glad that it had been mentioned, as he wished to set the House right on the subject. He fully agreed with the hon. Member, that the employment of spies, such as was practised abroad, was a most abominable system, and he was sure would not be for a moment supported by the House; but the question was, whether it was not only allowable, but even the duty of Government, to ascertain what took place at public meetings. Private espionage was a system never contemplated by the right hon. Baronet, who was the author of this force, nor by his successor in office; and he was sure that the two Gentlemen at the head of this force would never sanction so abominable a system. All the meetings at which the police had been present were essentially public meetings: at these meetings it had often occurred, that most inflammatory language was spoken; and he must submit, that Government would have failed in its duty, had it not taken measures to know what took place at these meetings. At these public meetings —and at public meetings only—therefore, were the Police present; and, as it would be out of the question for them to appear otherwise, they went in their plain clothes. Popay was, in the petition, accused of using inflammatory language. If he had done so, no words which he could use would be too strong to express his detestation at so base a line of conduct; for it was precisely the worst kind of conduct attributed to spies, to excite those very disorders which the police force would afterwards be called upon to repress; and, if Popay had done that, he had acted quite contrary to his instructions. With reference to the Committee prayed for, he had not the least objection to it. He was well content to allow any inquiry into the conduct of Popay. He had merely risen to explain what the conduct of Government had been on these occasions; and strenuously to deny, that the police were ever instructed or authorized to interfere in private society.

Mr. *O'Connell* said, that this frank conduct of the noble Lord entirely did away with any suspicion which might previously have attached to the Government on this subject. It was strongly asserted, however, that this Popay had been guilty of all the acts of espionage, so justly condemned by the noble Lord—that he had subscribed for arms—used inflammatory language—offered to teach the broad-sword exercise, &c. It was, therefore, essential that this subject should be sifted most searchingly; and he was, therefore, delighted, that the noble Lord had so frankly and cordially co-operated in promoting the inquiry.

Mr. *Cobbett* said, it could be proved that Popay had done all the hateful things described. The witnesses were quite ready.

Mr. *Tennyson* rejoiced in the frank and manly assent given by the noble Lord to this Committee. It was a most important subject; he would observe, however, that the charge against Popay was not his going to public meetings, but his enrolling himself as a Member of the National Union for treacherous purposes—using the most inflammatory language, offering to subscribe for arms, and to teach the use of them. He had in his hand a petition from 500 of his constituents, praying for the most strict inquiry into this most important and alarming case, and they would be pleased to hear how readily this inquiry was assented to by his Majesty's Government.

Lord *Althorp* observed, that the man Popay denied the inflammatory language, the subscription for arms, and the offer to teach the use of them. All he said he had done was, to throw a few half-pence into a hat which was carried round for some subscription, but the object of the subscription he was not aware of. He also denied being a member of the Political Union. He would take care that the Committee should be appointed in the course of the evening.

Mr. *Hawes* also expressed his gratification at the assent thus given by Government to the formation of a Committee. He was, however, disposed to believe, on most particular inquiry, that the case was as stated by Mr. Cobbett. He did not exactly understand where the blame rested, but he had every reason to believe that the accusations against this Popay were matter of the most undoubted fact. Indeed, he knew persons who were fully prepared to come forward and substantiate the charges.

BANK OF ENGLAND CHARTER.] The House resolved itself into a Committee on the Bank of England Charter Acts.

Lord *Althorp* said, that in moving the second Resolution, he begged to state to the Committee an alteration he proposed to make in his plan—an alteration which he did not think of much importance, but which he was willing to make, to meet the apprehensions of those who were afraid that from payment in gold being obtainable solely in London for notes of 5*l.* and upwards, a scarcity of coin might be caused in the country. He proposed, therefore, to alter the reading of this Resolution, excluding payments in the country for all sums "above 5*l.*," so that a person presenting a 5*l.* note at a banker's in the country would be entitled to demand five sovereigns. He did not think that made any difference in the Resolutions which he meant to propose. In general, the demands on country bankers were not for small sums. Another point to which he wished to advert was this: he had been asked when he meant to introduce the bill for renewing the Bank Charter? He wished to say, that if the Committee would confine the discussion to the other Resolutions, excepting the sixth and eighth, about which there would be some difference of opinion, he would, as soon as the Resolutions were passed and reported, bring in one bill. The sixth and the eighth Resolutions related to Joint-Stock Banks, and were not strictly connected with the renewal of the Charter.

Sir *Robert Peel:* If I rightly understand the noble Lord, he means that for every 5*l.* note a man presents, he shall receive five sovereigns. Of course, then, if he takes one hundred 5*l.* notes, he may make a separate demand for each, and will receive gold for them all.

Lord *Althorp:* No, no.

Sir *Robert Peel:* If he takes them separately then?

Lord *Althorp:* Not in the same day, for that would occasion a serious run upon the Bank. I do not apprehend any such thing would occur; but if the effect of the alteration would be to destroy the effect of the Resolution, I shall not persevere in it.

Sir *Robert Peel:* I am sorry if I have shaken the noble Lord's confidence in his own proposition, which I most certainly cannot think he has well considered. Nothing could be so absurd, as that a man presenting a 5*l.* note should be able to get five sovereigns, but upon presenting two 5*l.* notes, should not be able to get ten sovereigns.

Mr. *Warburton,* with reference to what had fallen from the right hon. Baronet on a former occasion, and with a view to prevent the issue of notes for 5*l.* 10*s.* which might banish all the gold from the country, suggested that the noble Lord should not allow the issue of any notes except for 5*l.* or 10*l.* or some multiple of the 5*l.* note, as 10*l.*, 15*l.*, 20*l.*, and so on, when it would be impossible to evade the intentions of the Legislature. He hoped it would be considered, whether it was not possible to prohibit the issue of any notes which were not multiples of the 5*l.* note.

Mr. *Evelyn Denison*] submitted, that it was important that the noble Lord should make it understood what would be the effect of the alteration. Did he understand that the proposition would have the effect attributed to it by the right hon. Gentleman? For if all 5*l.* notes might be convertible into gold, it would make a most material alteration. He would go so far as to say, that it would put an end to most of the inconvenience apprehended from the noble Lord's plan, and to all its advantages. He hoped that the noble Lord would, before entering into the discussion, give the Committee full information of the extent to which he supposed the alteration would go.

Sir *Robert Peel* said, that the hon. Gentlemen need not be alarmed—no demand would be made on the country banker which the country banker would not get rid of by issuing notes for five guineas instead of 5*l.*

Mr. *Robinson* said, with respect to the two last Resolutions, the noble Lord's (Lord Althorp's) object, he supposed, was to avoid any discussion upon them until those more immediately affecting the renewal of the charter were completed; but as there was a greater diversity of opinion upon those two Resolutions than on all the others, he would suggest their withdrawal altogether, in order that the others might be proceeded with. At present those two Resolutions would greatly embarrass the question of the renewal of the charter, and it might, therefore, be difficult to get through them this Session. He could not see what necessity there was, in discussing the renewal of the charter, to consider all the circumstances respecting Joint-stock Banks. The latter, he would submit, had better be left for discussion early in the next Session.

Mr. *Poulett Thomson* thought, that all this discussion arose from the misunderstanding of the object in view by making Bank of England notes a legal tender. If hon. Members would refer to the evidence before the House, they would see that in 1825 the danger of running the Bank dry for gold arose not from the demand for gold to meet the Bank notes, but to enable the country bankers to be prepared to pay their deposits. In most of the districts, the amount of notes issued by the country bankers bore but a small proportion to the amount of their deposits and engagements, for which they were obliged to provide in times of pressure, by applying to the Bank of England for bullion. It was to guard against such a danger, that it was thought advisable to make notes a legal tender, and not in reference to the amount of notes of country bankers, which bore so small a proportion to their other engagements. The fact was, that in a moment of commercial panic, the country bankers came up to London, and, as was the case in the year 1825, they asked, not simply for sovereigns to pay their notes, which never could wholly be returned on them—for he believed, during that panic, the amount of notes returned bore but a small proportion to the amount of paper in circulation—but they asked for gold, to be prepared to meet all their other engagements. Many country bankers, having a circulation of only 15,000*l.*, or 20,000*l.* in notes, required as much as 100,000 sovereigns to enable them to meet those engagements. Thus the Bank of England was constantly in this situation—namely, it must be prepared in a period of panic to deal out gold, not only to meet the demand occasioned by the returning of country notes, but also to meet all the country bankers' anticipations of a demand to the amount of their deposits. This fact made it advisable, that the Bank of England notes should be declared a legal tender. If that were done, he believed all difficulty and all danger would be avoided.

Sir *John Wrottesley* would not now discuss that important point, whether Bank of England notes should be made a legal tender. Certainly it was not called for by the country bankers. He did not speak in their name; but he must say, in his own opinion, it would not be beneficial. He thought it would tend, in the opinion of the public, very much to depreciate the country bank-notes, if it was known that those notes could not be paid in the way in which they had hitherto been paid—in gold. He could not agree with his hon. friend, that the measure would be of any advantage whatever to the country bankers. As was stated by the right hon. Gentleman, their notes were not numerous; and on a panic, the deposits were not called for. Country bankers could not give interest on the deposits made with them, and, at the same time, have gold ready to pay those deposits at a short notice. He was sure that no prudent country banker would ever take deposits without an engagement that they should not be removed except after a certain notice.

Sir *George Phillips* said, the right hon. Gentleman had forgotten that when the run on the Bank of England was made in 1826, the 1*l.* country bank-notes were in circulation, and the Bank of England had no 1*l.* notes to issue in the stead of them. At present its 5*l.* notes would serve as well as sovereigns to pay country bank-notes. The proposed plan would make a legal tender of its 5*l.* notes. The bankers said, that there was now no opportunity of making a run on the Bank, as there were no 1*l.* notes in circulation. At present the Bank of England notes for 5*l.* were supported by the whole credit of the Bank; but if the Bank itself were to be doubted, it would be no good making the Bank of England notes a legal tender. He must say, that he looked upon the Resolution making Bank of England notes a legal tender, as having a tendency again to expose us to a Bank Restriction Act, and to all those evils and dangers which we had already encountered. When he first heard that it was the intention of the Government to make Bank of England notes a legal tender, the impression on his mind was surprise and some doubts of its advantage. The more he had considered it the more he was convinced that it was not required. He could not see the necessity of making any alteration in the present system. No facts had been mentioned to show that it was necessary; on the contrary, he thought it would be disadvantageous. Suppose a run were made on the country bankers; they had now the Bank of England to apply to; it was stable and solid; and what advantage could be obtained by making its notes a legal tender? If the country bankers offered Bank of England notes, nobody would reject them. If the run were for gold, and Bank of England notes were not liked, the proposed plan could only put off the evil for a day or two. The notes of the Bank of England obtained from the country bankers could be sent to the Bank of England. The consequence, too, of that would be, that the whole pressure, part of which was now borne by country bankers, would be thrown on the Bank of England; and that pressure would be exclusively for gold. A demand of that kind, coming from the whole country, would be greater than the Bank could resist. The more he reflected on the subject, the more he was struck with the danger of interfering unnecessarily with the present system. After going through great suffering, we had got a currency established on the precious metals—it was stable and safe; and why should it be meddled with? It was most unwise to tamper with it—most unwise to interfere with it, by making the Bank of England note a legal tender. The currency was at present stable, and why run the risk of involving the country in ruin? At present the country bankers were the means of distributing through the country a copious supply of credit; and if they were destroyed, and the supply were not so copious as at present, what would be the consequence? The consequence, he believed, would be, that the people would demand the 1*l.* notes. If that demand were complied with, the consequence of that again would be another Bank Restriction Act, and all the evils which followed in its train. He was extremely sorry that such a measure had been proposed. He spoke doubtfully, indeed, of its effects, for he observed that there was a great difference of opinion among the best informed men. Another point occurred to him. It was stated in the evidence taken before the Committee last Session, by his friend, the hon. member for Walsall (Mr. Forster), and Mr. Stuckey, that there was a time when the people in their neighbourhoods had doubts about Bank of England notes, and that they had been supported by the credit of these country bankers. But suppose that such a doubt should arise after the Bank of England notes were made a legal tender—and suppose that the effect of his noble friend's plan would be, as he believed, to put an end to country bankers, on what then could the Bank of England notes rest? At present the credit of the country bankers supported those notes; but when they were gone, the Bank of England notes would have nothing to rest on. He maintained that, in the country, the banker there supported the credit of the Bank of England. He had no doubt, that his noble friend (Lord Althorp) had done his duty in making the proposition, and he had only done his duty in disclosing his opposition to the principle of making bank-notes a legal tender.

Mr. *Baring* adverted to the varieties of opinion which were entertained on this subject, which made it extremely desirable to be very cautious in forming and expressing an opinion. It was, however, the conviction of his mind that our paper currency would not be safe unless the Bank of England paper were made a legal tender. On that ground he should support the Resolution. He understood that the noble Lord had made, at an earlier period of the evening, what he (Mr. Baring) thought an improper concession. He supported the Resolution, not on the grounds that it would operate as a relaxation of the currency, but because it was his conviction that the country could not have the full advantage—and which it was most desirable should be extended—of the circulation of paper, unless there was some security that we should not be exposed to those continual changes in prices, and those continual difficulties to which we had been exposed, and which might be avoided, by enabling the country bankers to offer the Bank of England notes as a complete payment. Gentlemen were alarmed at the sound of the Bank Restriction Act, but let them consider what was proposed. It was not to make a legal tender of Bank of England notes in place of specie—it was only removing the demand on the Bank one step. The country bankers would give

Bank of England notes instead of gold, but gold might be obtained for Bank of England notes, and they might be securely converted into specie at some place or other. The bankers of the city of London, who were as respectable and wealthy as any race of men in existence, made their payments by means of the Bank of England. If any gentleman was to go to a banker in Lombard-street, and present his check for 50,000*l.*, and demand cash, the banker would not give him gold over his counter; he would give an order or note on the Bank of England for the money, where it would be obtained. That was not a denial of payment in specie. He saw, then, that the proposed plan was only making the parties who desired specie take one step more before obtaining it. An additional security would be given to the paper currency of the country—the security of the Bank of England, and an assurance, founded on its credit, that gold might be had on being asked for there, though not paid in the first instance. The measure was not introduced for the benefit of the country bankers; but it was a *desideratum* to keep out as much paper as possible, and to prevent those panics or frights which sometimes arose, from damaging the Bank of England. It was to guard against such fears, by giving those who were alarmed a delay of twenty-four hours in getting gold, that he thought the measure good. Any Gentleman must be fastidious to say, that such a measure would injure the credit of the Bank, or endanger the stability of the currency. The hon. Gentleman opposite (Sir George Phillips) said, that we had at present a stable currency, founded, as all currency ought to be, on the precious metals; and that it was not good to alter it from any crotchets of any man. But what security, or what stability was there in 1825? Then we had the beautiful currency, which the hon. Gentleman thought so secure; but when the pressure came, it was found wanting. In fair weather, and under ordinary circumstances, it was stable and secure enough, but not when it was tried. So the hon. Gentleman might go to sea in some tub of a ship, and find it safe enough in fine weather, but when the gale came, he would find her unfit to stand the sea. We were only saved with our beautiful currency from thumping on the rocks by a miracle in 1826—that of the discovery of a box of 1*l.* notes. With these facts before them he could not say that our currency was the best possible. Setting aside all reasoning and all theory, experience showed them, that our present currency did not deserve the description given of it by the hon. Baronet. The panic and difficulties of 1826 were yet fresh in their recollection; and it was to make a provision against a recurrence of them that the noble Lord made his proposition. The hon. Gentleman had spoken of the country bankers; but he believed that they would find themselves in no comfortable situation if the credit of the Bank of England were to fail. There was no practical man in all Lombard-street—and there were no more practical and respectable men in the Empire—who would not tell the hon. Gentleman, that nothing would be more dangerous than for any banker to boast of being able to fulfil his engagements without the support of the Bank of England. In fact, it was the great credit of the Bank of England which was the foundation of all individual security. Any attempts made against the security of the Bank of England would find it unassailable. The most solid of the country banks would not be solvent but for the Bank of England. It would be impossible that the currency could be placed on a safe footing, except by relying on the Bank of England. It seemed to him most unfortunate to assert, that the Bank of England might get into discredit without the assistance of the country bankers. It was the duty of the House, in renewing the Bank of England Charter, to render events of the description of those of 1826 impossible. The great object was to guard against such events—to stop the panic among the people, and secure the Bank against danger. It was the demands made on the Bank of England, to provide against the demands on account of deposits, as the right hon. Gentleman stated, which caused the principal run on the Bank. He admitted, that the bank-notes returned were not of so much importance. In panics, the country bankers were obliged to be prepared for the demands for their deposits; and, on this account, he was prepared to support the plan.

Sir *Robert Peel* said, the argument was, that the abundance of small notes stimulated undue speculation, and that an issue of one and two pound notes had the effect of encouraging the departure of coin from the kingdom, and whenever a crisis arrived, whenever there was a commercial panic, all the deposits were immediately demanded in gold, because the depositors had no confidence in a paper currency. But his hon.

friend, the member for Essex (Mr. Baring), had no right to assume that the paper currency was the same now as it was formerly. One and two pound notes were now prohibited, and consequently a more equal diffusion of gold currency was secured, whilst the existing paper was convertible into coin on demand. There was now, therefore, no risk of any commercial panic similar to that of 1825; for the inducement that formerly prevailed no longer existed. His hon. friend said, it was highly desirable to secure the country against the effects of political excitement. His hon. friend was quite right in making that statement, and he admitted that some advantages would accrue to the country by establishing unlimited confidence in the Bank of England. Everything which tended to confidence and security in the country was good; but was it possible to give this confidence by an Act of Parliament? His hon. friend had referred to the confidence placed in bankers' checks on the Bank of England. True, but whence did that entire confidence arise? Because there was no interference of an Act of Parliament. As Burke had said, commercial confidence gave bankers' checks a currency on the Exchange, because they had none in Westminster-hall. All depended on commercial confidence; and if his hon. friend were to pass a law to force people to place confidence in checks, the result would be directly opposite to his wishes. His hon. friend had also referred to the want of confidence which risk of war or convulsion was likely to produce; but where, he would ask, was that want of confidence likely first to arise? Not in remote country towns, but in London. Much, too, had been spoken of the advantages resulting from the intermediate step necessary to be taken before obtaining gold; but what had been the effect of this in the case of the Scotch banks which had issued notes with an optional clause? The Scotch banks formerly issued notes which contained a clause giving them the option either of paying their notes on demand, or six months after sight, giving interest in the meanwhile. The results of this, as Adam Smith stated, was, though the banks were perfectly solvent, that the exchange was against Dumfries as compared to Carlisle, full four per cent, on account of these notes. Take the case of a banker at Plymouth, who pays his notes in Bank of England paper: the person who received them, though he wanted gold to embark for Portugal or the West-Indies, would not be able to get a guinea without travelling or sending all the way to London. The form was preserved; and if a panic should arise, he was satisfied that the greatest mischief would result, because the country banker would rely on a false security. He did not see any reason why the proposed interference with country bankers should take place. He would say, let the country bankers issue notes convertible into metallic currency, and let them provide what securities might be thought right for the deposits put into their hands, but give them the right of claiming notice of the withdrawal of any deposit. This would be much better than compelling them to pay in bank paper. Besides, how open was this plan to evasion! As there was no bank note under *5l.*, depositors would only have to draw as many checks as they pleased for *4l.* 19*s.*, and they could compel payment in metallic currency. This, of course, would not be resorted to on ordinary occasions; but, then, on ordinary occasions, there was no danger. The object in view was to provide against the effects of a panic, whether general or partial; and when this existed, nothing in the world could prevent depositors from resorting to every possible expedient to withdraw their deposits and obtain payment in the only currency in which they could place confidence. The noble Lord and the right hon. Gentleman appeared utterly to have discarded from their consideration the various means of evasion to which this plan was open. The noble Lord came down to the House to-night, and, much to his surprise, proposed that *5l.* notes should be convertible into gold on demand, and this was a most serious and important alteration. The effect of it would be this—to give a direct legislative premium on the withholding of *5l.* notes from the market. It would also, in his opinion, operate most injuriously on the country bankers in a time of panic. For the whole scope of this Bill was, to induce country bankers not to keep gold in their coffers, but to rely on the Bank of England for supplying them with the means of meeting all demands; and if a panic were to arise, the bankers would come up to town and carry back, not gold, but Bank-notes. What, however, would those bankers say when they found the holders of all Bank of England *5l.* notes pressing them for gold, which they most assuredly would do? The noble Lord had, indeed, said, that no man was to take two *5l.* notes together and claim gold for them, because that would, in fact, be demanding gold for 10*l.*; but what would the noble Lord say, if the holder of several 5*l.* notes were to present one at the interval of every half-hour—or suppose he had 50*l.* in 5*l.* notes, and were to employ all his servants in obtaining payment for these separately—how would he prevent it? The noble Lord had proposed another very important regulation—that the notes of the Bank of England should be payable only at the places where they were issued. According to this, the whole issue by a branch bank would be payable only in the town where it was issued. But he would look at it further. What security had they that the Bank of England would continue to employ branch banks at all? Why should it? If, indeed, Government issued this currency, it might say, we do it with no view to profit—we seek only the general interests of the country, which would be benefited even were the system carried on at a partial loss. But the Bank of England was in a very different situation. It was a Company established for the purpose of profit, and owed duties to the proprietors of Bank Stock. By the provision for the formation of Joint-Stock Companies, a direct inducement was held out to withdraw the branch banks, for the Bank of England would find it much more economical to employ Joint-Stock Banks, with a few partners as agents for the circulation of their notes, than to keep up their branch banks. The consequence would be, that Bank of England paper would be payable in London only. Yet this paper was to circulate in every part of England. Under such circumstances, no Act of Parliament could give confidence to a currency which had no intrinsic value even were it issued by an institution which had ten times the stock, and which was ten times more solvent, than the Bank of England. This would inevitably lead to an agio on gold. Only suppose a man in the country wanted to leave England, or for any other occasion to convert 500*l.* into gold—he would be unable to get his notes exchanged except in London—that man would readily give a premium for gold. It was important also to consider what effect making Bank of England notes a legal tender would have in promoting forgery? It would be most difficult to detect forgeries of bank-notes at a distance of 200 miles from the persons who alone were competent to distinguish them. The time at which the noble Lord proposed this measure was equally objectionable. About two months ago his hon. friend, the member for Whitehaven (Mr. M. Attwood) proposed an inquiry into the currency, with a view to its relaxation. The noble Lord negatived the proposition, and moved a Resolution, declaring his determination to adhere to the standard; but at the same time said, he would appoint two Committees—one to investigate the state of agriculture, the other that of commerce, which Committees had since assiduously prosecuted their inquiries, and had particularly directed their attention to the effects of the banking and currency system on trade and agriculture. What a mockery, however, were these Committees, when the noble Lord would not condescend to wait for their Reports—now, doubtless, nearly ready—but came forward and proposed this great alteration in the currency, without paying the slightest attention to their suggestions. He was never so surprised as when the noble Lord and his colleagues proposed this alteration, so repugnant to their former principles. He had always understood the doctrine of the noble Lord to be—"Issue what paper you please, only let it be payable on demand, and in a metallic currency;" but to take up one particular class of paper, and propose to destroy all other classes, in order that this might circulate on their ruin, was the most extraordinary proposal he had ever heard. One and two pound notes ought not to be issued because they interfered with the gold currency, but beyond that he thought it right to have no check beyond that of immediate convertibility. He agreed with a writer of great eminence on this subject, whose opinion was the more worthy of confidence because it had been confirmed by subsequent events. Adam Smith said—"It were better, perhaps, that no Bank-notes were issued in any part of the kingdom for a smaller sum than 5*l.* Paper money would then, probably, confine itself in every part of the kingdom to the circulation between the different dealers, as much as it does at present in London, where no Bank-notes are issued under 10*l.* value; 5*l.* being, in most parts of the kingdom, a sum which, though it will purchase, perhaps, little more than half the quantity of goods, is as much considered, and is as seldom spent all at once, as 10*l.* are amidst the profuse expense of London. Where paper money, it is to be observed, is pretty much confined to the circulation between dealers and dealers, as at London, there is always plenty of gold and silver. Where it extends itself to a considerable part of the circulation between dealers and consumers, as in Scotland, and still more in North America, it banishes gold and silver almost entirely from the country; almost all the ordinary transactions of its interior commerce being thus carried on by paper." The same author also said, at the conclusion of his chapter on metallic and paper currency—"If bankers are restrained from issuing any circulating bank-notes or notes payable to the bearer, for less than a certain sum, and if they are subjected to the obligation of an immediate and unconditional payment of such bank-notes as soon as presented, their trade may with safety, to the public, be rendered in all other respects perfectly free. The late multiplication of Banking Companies in both parts of the United Kingdom—an event by which many people have been much alarmed—instead of diminishing, increases the security of the public. It obliges all of them to be more circumspect in their conduct, and, by not extending their currency beyond its due proportion to their cash, to guard themselves against those malicious runs, which the rivalship of so many competitors is always ready to bring upon them. It restrains the circulation of each particular Company within a narrower circle, and reduces their circulating notes to a smaller number. By dividing the whole circulation into a greater number of parts, the failure of any one Company—an accident which in the course of things must sometimes happen—becomes of less consequence to the public. This free competition, too, obliges all bankers to be more liberal in their dealings with their customers, lest their rivals should carry them away. In general, if any branch of trade, or any division of labour, be advantageous to the public—the freer and more general the competition, it will always be the more so." This was the reasoning of Adam Smith, *a priori*, fifty or sixty years ago; and the system which he recommended as the best which could be established, now existed in this country, and that was the system which the noble Lord proposed to change. The noble Lord now, on the 1st of July, without waiting for the Reports of the two Committees he had appointed, came forward with one of the most startling propositions he had ever heard, founded on the most slender body of argument possible. The noble Lord said, it was all to prevent panic: but no Act of Parliament could prevent panics. The noble Lord might depend upon it the people would never place confidence in Bank paper, merely because an Act of Parliament called on them to do so. The noble Lord might be assured, that the confidence would not be obtained for a paper currency, founded on a compulsory enactment.

Mr. *Poulett Thomson* could assure the Committee, that he agreed with the right hon. Gentleman as to the necessity of approaching this question with the greatest care. He felt all the difficulties of the question, and was perfectly ready to give every attention to the arguments which might be urged against the view of the question which he took. The right hon. Gentleman, on a former occasion, laid down, in the most distinct manner—and every Gentleman must admit the importance of it—the necessity of distinguishing between the difficulties which might arise as regarded the circulation from commercial or political causes. He wished that the right hon. Gentleman had kept this distinction in mind, but it appeared to him, that in the speech he had just made, the right hon. Gentleman had confounded them. The right hon. Gentleman had througout the greater part of his argument, confined himself to what he supposed would happen in periods of excitement. He was ready at once to admit, that there was nothing in this measure to provide against political alarm; and indeed he had no hesitation in saying, that it was impossible that the paper currency of any country could be made perfectly secure against periods of political alarm, when convertible into gold. He believed, that no bank of issue was ever established in any country—with perhaps the single exception of the Bank of France—which did not circulate its paper with a view to profit; that is, no bank which retained in its coffers gold to the full amount of its notes in circulation, but yet only such an amount of gold as, upon the best calculation, it was probable would be demanded in exchange for notes. It was an absurdity to suppose that any bank—be it the Bank of England, or a country bank, or a Joint Stock bank—could keep gold in its coffers to the full amount of its liabilities. If that were to be done, lest inconvenience should be experienced in times of political excitement, all profit would be put an end to, and there would be no inducement to establish banks of issue. It was, therefore, most true, that there was nothing in this plan to secure the Bank of England against periods of political excitement. That was a condition which must always remain utterly unattainable. The question, then, resolved itself into this, whether the system now proposed, did not afford material safe-guards to the circulation of the Bank of England. The right hon. Gentleman had stated a number of reasons which he supposed would prevent the success of this plan. The right hon. Gentleman said, that the present measure would seriously affect the country bankers, and materially interfere with their issues. He denied that, and he could by no possibility, conceive how the country banker could be affected by this measure. The country banker, as regarded the legal tender, would remain as before. As his hon. friend, the member for Whitehaven, said, the country banker, wishing to fulfil his engagements, must send—as he is obliged to do now—his securities up to London, to obtain gold or Bank of England notes; and of course, therefore, he must be at some expense to discharge his engagements. It was immaterial to him whether he paid in gold or Bank of England notes. The only difference would be, that he would procure Bank of England notes for his securities, whereas formerly he obtained gold. He said, then, that the Government did not intend to provide by law for the security of country banks; the only sufficient security for them being, that they should not enter into engagements which they were not prepared to fulfil. The right hon. Gentleman said, "That one effect would be to induce the country bankers not to keep gold." There was nothing in the measure holding out any such inducement. It was possible that country bankers, in consequence of not having to pay their notes of above *5l.* in gold, might keep less gold in their coffers; but he was by no means satisfied that such would be the case. In his opinion a country banker would keep nearly, or quite as much gold as at present, as it was obvious that he must provide himself with sufficient gold to accommodate his customers. It would be the interest of the country banker to keep as much gold as would supply his customers; and, if he did not, his customers would not continue their accounts with him—so that it appeared to him that there would be very little difference in the amount of gold, that they would keep. The right hon. Gentleman also said, that the country bankers had a manifest advantage in keeping Bank of England notes instead of gold. But they had no advantage in one case more than in the other. He challenged the right hon. Baronet to show what advantage they would have in making their payments in Bank of England notes instead of gold. The country banker would still have to pay every *5l.* note he issued in gold; and would the right hon. Gentleman tell him that any possible disadvantage which could result from the country banker keeping gold, would induce him to forego the advantage he obtained by issuing *5l.* notes? The only occasion upon which he would be enabled to pay in paper was when his notes were large in amount; for he must pay his *5l.* notes in gold. Now, what advantage could a country banker derive from keeping Bank of England notes instead of gold? The only possible advantage would be, that there would be a slight additional charge on the conveyance of the gold to him above that of the carriage of the notes. The circulation of the *5l.* notes of a country banker must be a very worthless and unprofitable matter, if it were not worth sending up to London for gold for the payment of them. Another argument of the right hon. Gentleman was, that by this plan the country bankers would be taught and induced to rely too much on the Bank of England. But, at present, a country banker relied upon the Bank of England for supplies of cash: he sent his securities up to London, and he had sent down to him, in return either Bank of England notes or gold. That state of things would continue: and if a country banker were not called upon to pay in gold, he might prefer paper to be sent down to him. At the same time, there would be every inducement for him to keep an ample supply of gold in his coffers. But he confessed he did not perceive what there was in this plan to make the relation between the country banker and the Bank of England stricter than at present. It appeared to him that the right hon. Baronet had overlooked the arguments which really bore upon the question. The fact was, as stated by the hon. member for Essex, that making Bank of England notes a legal tender in payment of country notes, was only meant as a protection against the mischievous consequences of a commercial panic. He did not wish to dwell on any question of this delicate nature; but he did not see any security in the Bank of England supplying its notes, unless they were made a legal tender in the country. It was well known that during the panic, the demand for gold by the country bankers on the Bank of England, was far beyond their wants. It was in fact, equal to the entire amount of their issues, from a desire on their part, to be prepared to pay every one of their notes in gold. On this point he could refer to the evidence of Mr. Horsley Palmer, who gave a most lucid description of the transactions of the time. The right hon. Gentleman read the following extract:

> Was not the consequence of that—the general distrust—that all the country bankers that remained solvent, but who were, from accidental circumstances, in the state of discredit you have described, were obliged to come upon you for specie to meet their engagements, and to meet the fears and apprehensions they entertained of what might possibly come upon them?—There were very extensive demands made by the country bankers direct upon the Bank; but I presume that it was equally large by country bankers upon their London correspondents.
>
> And that gold coin was sent to every country town in the kingdom?—I believe so.
>
> Did not the banks of Scotland equally fall upon the Bank of England at the same time?—Certainly.
>
> At the time that took place, was there any doubt or any discredit attaching to the Bank of England throughout that transaction?—None.
>
> Had not the Bank of England specie sufficient to meet any demand that might arise from the simple difficulty of the foreign exchanges?—Certainly, the foreign exchanges had risen, and were in favour of the country.
>
> Did not the very fact of the distress in the interior produce a revulsion of the foreign exchanges and bring money into the country?—Immediately.
>
> But, still was there no such a drain of specie from the Bank that even that return of money from abroad was hardly sufficient to meet the demand from the country?—From the difficulty of getting the necessary supply of coin from the Mint.
>
> So that, at that time, when the Bank was deemed so low, still the specie had not gone out of the country, but was in the coffers of the country bankers?—Certainly, in the possession of the public.

Such was the evidence of Mr. Horsley Palmer. It was well known that such was the demand for gold during the panic, that the Bank was run within a few hours of its deposits; and it was perfectly clear both from this evidence, and from every other testimony, that at that time the exchanges were in favour of this country, and gold was sent to England from the Continent. It was evident, then, that a great portion of those inconveniences to which the country was then exposed might have been avoided. The Bank, therefore, had not to meet demands for bullion or gold to be sent abroad, but only for the use of the country bankers. Now what was the nature of the demand of the country banker? The demand, at a period of panic, was not proportionate to what it is in times of tranquillity. It was not in proportion to the paper that the country banker might have issued, but to every security which he might have given, and to the full extent of his engagements. A country banker had, at such a period, to calculate that he might be called upon to pay all his deposits, and to meet all his engagements, in gold. The consequence during the panic, was, that the run on the Bank of England for gold was far beyond the necessities of the demand; so that it was by no means an unusual case to see packages of gold which had been forwarded by the Bank of England to country bankers returned unopened. Indeed, it was well known that thousands—nay, some hundreds of thousands—of sovereigns were sent down to country bankers, which were returned untouched and unpacked, but which were merely provided as a security against the run which might arise. In one case, which came within his own knowledge, a gentleman, who issued not more than between 20,000*l.* and 30,000*l.* in notes obtained 100,000 sovereigns, in order that he might be perfectly prepared; and this money was returned untouched, when the run was over. But the danger to the Bank was not the less imminent, because the fears of the holders, of country notes were unnecessarily great. The main advantage of the present plan, then, was, that in times of ordinary occurrences, the circulation of the country would go on just as at present, as regarded the country bankers. They, of course, would be anxious to accommodate their customers, and would, therefore, always keep a considerable quantity of gold in their coffers, and sufficient to supply the ordinary demand of the country. At the same time in an extraordinary emergency, such as that of the general want of confidence in 1825—he hoped that such a calamitous event would not occur again; and he believed that this plan would go far to prevent it—the country banker, instead of taking down gold for the extraordinary demand, would only keep gold to the extent of a little more than the ordinary demand of his customers, and would provide himself with Bank of England notes for the probable extraordinary demand. At a time of commercial or political panic, persons often hastened to the country bank and withdrew their balances, and returned them at the end of two or three days. Therefore, the country banker was obliged to provide for cases of this nature; and one advantage of the plan they were discussing was, that notes could easily be procured to provide for such demands, and prevent the extraordinary demand for gold. Some measure of this sort was absolutely necessary for the security of a bank of issue, like the Bank of England. The right hon. Gentleman and other hon. Members, had stated many disadvantages which, in their opinions, were likely to result from this measure; but most of them appeared to be greatly exaggerated, or without foundation. The right hon. Baronet stated, that he was satisfied that if this measure were carried, before a very short time had elapsed, there would be an *agio* on gold in the remoter parts of the country. He did not think that this would be the case; and he believed that his hon. friend, the member for Warwickshire (Sir George Phillips), would bear him out in stating that there had been no difficulty in procuring gold for Bank of England notes in Manchester. [An *Hon. Member:* But they are not a legal tender.] The hon. Gentleman said, that Bank of England notes were not now a legal tender; but that fact would make no difference, for the same facilities would still exist for affording a supply of gold, without an *agio.* A Bank of England note was not a legal tender at Manchester, and yet it was received as an equivalent for the same amount of gold. The same thing happened in 1827, previous to the establishment of branch banks. His hon. friend had stated, that before 1827, there was no difficulty in getting gold for notes at Manchester. But what would be the greater difficulty under this law, than there existed previous to the establishment of the branch bank at Manchester? There was no difficulty experienced, now, in getting gold for Bank of England notes, in those places where there were no branch banks. At present a man at Leicester might have a 5*l.* note of the Bank of England; and if the right hon. Baronet's argument were good for anything, the man would be liable to a charge for *agio,* if he got it changed, but no one ever heard of such a charge at that place; nor did he believe it ever would arise. He repeated that his hon. friend, whose opinion on the subject, from his long residence in Lancashire, was entitled to every attention, said—that there never was any difficulty experienced in getting gold for Bank of England notes in that county, previous to or since the establishment of the branch banks, and that no one ever heard of a charge for changing a note, on the ground of the greater expense of sending down gold than Bank of England notes. As at present there was no *agio* for gold at Manchester, he conceived that when the Bill passed, there would be no *agio* charged there. But, then, said the right hon. Gentleman, look to Scotland. There was a difference of four per cent in the exchange between Carlisle and Dumfries. That was in bills; but it appeared to him, that there must be some error in the statement of a difference of four per cent between Carlisle and Scotland. [Sir *Robert Peel:* it was the statement of Adam Smith.] He could not help feeling that there must have been some extraordinary circumstances attending the transaction. The charge for *agio* could not be greater than the expense of sending gold from one place to the other; and, therefore, the charge for *agio,* between Carlisle and Scotland, could never amount to the sum stated by the right hon. Gentleman, unless their was something peculiar in the transaction. The statement referred to notes having an optional clause, and probably the charge for interest was to be calculated, as part of this four per cent. The *agio* was only the equivalent of the expense of sending gold from London; and when they found that Bank of England notes in Lancashire are—and were, previous to the establishment of the branch banks—convertible into gold without an *agio,* he did not conceive that an *agio* could exist under this Bill. There was one point dwelt upon by the right hon. Baronet, on which he fell into a complete fallacy, and to which he would take the liberty of adverting. The right hon. Baronet, in taking up what fell from his hon. friend, the member for Essex, respecting the circulation of 1825, said, that the making Bank of England notes a legal tender, would have the effect of driving gold out of the circulation. The right hon. Baronet seemed to argue as if we were to have 1*l.* and 2*l.* notes as a legal tender, the effect of which certainly might be as he stated; but there were to be no Bank of England notes in circulation of a less value than the country notes. He could not imagine how gold would be driven out of circulation, or the security of the country banks be diminished by this measure. At present the country banker did not keep a much greater or less amount of gold in his possession than enabled him to pay his notes in gold, or to meet the demands of his customers. He could not conceive how it was possible that the measure could operate in the way the right hon. Baronet supposed. The only way that the country banker could discharge his obligations, and change his notes into coin was, by sending up to London to convert his securities into money. If there were a large demand for gold for the country circulation, he was obliged to obtain fresh supplies from the market in London. The gold, in periods of distress or excitement, did not find its way back into the coffers of the country banker; for in those periods he paid much more gold than he received, as his notes crowded in; all the gold that he required he must procure from London. He could readily conceive a state of things in which gold might be circulating all round a country bank, and yet the country banker might not be able to obtain gold on the spot to satisfy the demands on him for it. That this measure had a tendency to drive gold out of circulation, or to ruin the country bankers—was to him perfectly unintelligible; for the security would be the same. The facility of raising money to meet his demands would be the same as at present, and the circulation would be nearly the same. The country bankers must now come to the market in London for gold, when they had a demand for it; and this they would have to do still. The making Bank of England notes a legal tender would, of course, induce them to take those notes to a certain extent: and, therefore, although the Bank of England notes might take the place of country bank-notes, they would not drive out gold, nor materially diminish the amount of it in circulation, as the demand for it would continue nearly the same, and the country bankers must keep a supply to accommodate their customers. He contended, therefore, that Bank of England paper would not drive gold out of circulation, but could only displace notes of the same kind as itself; but he very much doubted whether such a result would follow. He wished it distinctly to be understood that he was confining his observations to this clause—he did not allude to the effects of the other parts of the measure on country banks; but he could not see how, by the operation of this clause, country banks would be materially affected, or country-bank paper be driven out of circulation by Bank of England notes. If country bankers found it for their advantage to issue paper—and there was nothing in this measure materially to alter their present situation as regarded the issue of notes—they would continue to do so without reference to Bank of England notes being a legal tender. The only other argument of the right hon. Baronet to which it was necessary to advert, was that respecting the branch banks. The right hon. Gentleman said, that the effect of this measure might be to destroy the branch banks of the Bank of England. In the course of the discussions on this subject, they had heard a great deal said against these branch banks; and an hon. friend of his had repeatedly expressed his opposition to them. He knew, that many persons denied that these establishments had been productive of good. He was not one of those who entertained such an opinion; but, after all the great abuse that had been heaped upon them, it was not a little extraordinary that the right hon. Gentleman should call upon those hon. Gentlemen around him not to sanction this part of the measure, as it might deprive us of the great advantage of branch banks! But he did not believe that the branch banks would be closed, as they would have their local circulation in the same way as the country banks, or the Joint-stock Banks. They would have to pay *5l.* notes in gold, in the same way as the country banks, or Joint-stock Banks; and would not be more liable than the latter to run for gold. He did not believe that this measure would operate so as to lead to their abolition; but even if it were, what would be the great mischief? If it were, there would be one place, London, in which the Bank of England notes would be payable in gold. Now, he did not see that any great evil would arise from the payment of notes being limited to one place. He agreed with Mr. Ricardo, that Bank paper was not rendered more secure by making it payable in half a dozen places, or branch banks—or that it would be injurious to make Bank of England notes payable in one place only. With regard to forgery, he admitted that it was an objection difficult to meet; but he at once turned to those who put this forward as an argument, and called upon them to show that there was a temptation held out in this measure to commit the crime. He confessed he saw no reason to think, that the crime would be increased by the effect of this Bill; and it was, therefore, for those who urged that argument to prove that such risk would be increased. For his own part, he believed nothing of the kind; nor did he think, that Bank of England notes were more liable to be forged than country paper. It was well known that the notes of the Banks of Scotland circulated far beyond their place of payment; and yet there were not many instances of their being forged. He did not think, that ubiquity of payment of Bank of England notes would greatly increase the security against forgery. The main object of making Bank of England notes a legal tender was to give security to the circulation. He considered this to be matter of the very first consequence; and he was sure that no man in the House would be more unwilling to vote for this Resolution than he should be, if he thought that it would not tend to that object. If he thought that it would lead to a depreciation of the standard of value, he would not vote for the measure; but, according to his conception of the standard of value, it was sufficient that paper should be convertible into gold speedily and readily:—and with Bank of England notes convertible and exchangeable, he denied the possibility of a depreciated standard. For these reasons he gave his cordial support to the Resolutions of his noble friend.

Sir *George Phillips* was understood to say, that one-eighth per cent was paid in Manchester as an agio for gold before the establishment of the branch banks.

Mr. *Cayley* conceived the right hon. Gentleman's (Mr. P. Thomson's) statement to be, as far as it went, a satisfactory answer to the statement of the right hon. Baronet. The question was not, after all, the affording security to the Bank of England or to the country bankers in case of a panic, but to the public, and that could only be done by making Bank of England notes a legal tender, as Ministers proposed. He, however, could not approve of the proposition to make country *5l.* notes payable in gold on the spot, for the very amount would only facilitate the means of entering into a conspiracy to injure a bank by a run for gold, more so than for *1l.* or *2l.* notes. One of the objections urged was, that there might be a premium upon notes of *5l.* and upwards. If, however, there were any danger of an *agio* between bank-notes and metal to be apprehended, the remedy was easy,—namely, to make silver a legal tender to the amount of *5l.* Then the issue of small notes had been objected to as a cause of the panic of 1825; but there was ample evidence to prove, that the real cause was over-speculation, and that, in point of fact, it was the issue of *1l.* notes by the Bank which put a stop to that panic. That panic had been justly attributed by a Minister of the Crown to a want of a sound circulation. In 1822 the proposal was to increase the quantity of Bank notes, by which prices rose above the value of gold, and the consequence was the exportation of specie, which, in fact, was the principal cause of the panic. It was a mistake to suppose that the circulation of the country was dependent upon the quantity of specie in it. The amount and value of the circulation depended upon the property or security of those who issued notes. A political and a commercial panic were, if not the same, at all events identical in their effects: the effects of neither could, however, be dreaded in this country, nor did they ever last beyond a week. A panic was, indeed, a nine days' wonder and no more. Although he might wish some portion of this arrangement to be different, he would not look a gift-horse in the mouth, and would consequently support the Resolution.

Mr. *Warburton* agreed with his right hon. friend, the Vice President of the Board of Trade, that in case of an internal commercial panic, arising from the temporary discredit of country bankers, there would be a great benefit in their being enabled to meet a run by means of Bank of England paper. This, however, was the only argument in favour of the present measure; but he did not think this a sufficient argument for so great a change, which had only this one leg to stand upon. It was not, in his view, enough to show that such a change was merely calculated to meet one species of difficulty; and if it was admitted, as it was, that a sound circulation was a subject of the highest consequence to the country, then, when a change was made, care ought to be taken that it should be so made as not to alter the habits and associations of the people, nor infringe upon the security felt by them in that circulation. But by the present measure they were about to change that security, for the metallic standard would be affected by it. In all other institutions, whenever a change was operated, they were fenced round with securities, to prevent the possibility of danger, without relying on the intrinsic benefits to result from the change. He, therefore, would found the metallic standard on the habits and feelings of the people—they should be accustomed to weigh and to feel what they possessed, so that when an attempt was made to remove this, he would have the people so wedded to it as at once to revolt at the notion of its removal. These were the grounds of his objection to this Resolution, which, although *in republicâ Platonis* it might be very good and feasible, yet when he knew that there was in this country a considerable party always anxious to get rid of the metallic standard, he would, at the hazard of some inconvenience, object to the change. If, however, the measure was to be carried, he admitted, that one of his objections was met by the alteration introduced by the noble Lord (Althorp) in his own Resolution. It was his belief that if the Resolution stood as it did originally, they would be soon rid of all the sovereigns in circulation; but he was astonished to perceive, that after the Bank had received the privilege of their notes being made a legal tender, there was no clause to enforce their keeping up their branch banks. The least that could be done when such a privilege was given was, that every facility should be afforded to the people to change their notes. If this were not so, how could people know what they were to get? What were the bankers in the country to issue, and were the notes to be payable at the branch banks or the Bank of England? He hoped that the notes would be made payable either at the one or the other, at the option of the holder. If the present measure were passed, they should recollect, that the whole superstructure of bullion in the circulation would be now diminished, and in this way. Now it was considered that one tenth of their circulation was kept by country bankers to meet demands in gold, hereafter they would keep this one-tenth in Bank of England paper. It was said, that the Bank of England generally had one-third the amount of its issues ready in gold, but now the country banks would not need to make their demands, and the supply would be reduced to a third of the one-tenth. Another great evil would be the revival of forgery. It was well known that a Royal Commission had formerly been appointed, to inquire into the best means of preventing forgery: and that, after all their investigations, they had been unable to discover any species of note which might not be imitated in such a manner as to deceive the great mass of the people. These were the two grounds on which he resisted the present proposition—first, because it would remove an impediment to the establishment of a general paper circulation, by diminishing the connection of the feelings, habits, and associations of the people with a metallic currency; secondly, because it was not possible to discover any mode of avoiding those difficulties which were formerly occasioned by forging the notes of the Bank of England. He hoped, therefore, that this part of the measure would not be carried. But, if it were carried, he hoped it would be accompanied by a clause multiplying the number of branch banks.

Mr. *Gisborne* deprecated the idea of Parliament's generally entering into petty regulations, such as declaring how many branch banks there were to be. He was, however, aware of his hon. friend's reasons; and although he supported the present Resolution on grounds directly the reverse of his hon. friend's, he would have, in this instance, no very great objection to legislate similarly. One of his chief reasons for supporting this Resolution was because of its tendency to do away with part of the gold circulation. Another ground that he had was that stated by the right hon. Gentleman near him (Mr. P. Thomson), that in cases of local or partial panics, it would prevent a run for gold. That it was desirable to do away with a metallic circulation, provided the standard of value was maintained, was the doctrine inculcated by Hume, Ricardo, and Horner, as well as by the hon. member for Essex; and when Ricardo found that prices were lowered twenty-five instead of five per cent, he ascribed it to the folly of the people, who had in his opinion so secure a system, that such a desire for metal as was evinced was to him an astonishment. He (Mr. Gisborne), however, felt that in arguing thus, he laboured under a difficulty, from having before contended against exclusive privileges to the Bank of England, or any other body. In this, however, he was overborne, and he therefore hoped the noble Lord would adhere to his Resolutions.

Mr. *Frankland Lewis* thought, that this was a question they ought to put to themselves—namely, whether any sufficient inducement was shown to them to make so great a change as was now proposed? And also, was there any one who could contemplate the right of any man possessing a note to demand gold, and not tremble when he heard that Bank of England notes were now to be made a legal tender? Would such a course not shake men's habits, and perhaps injure what ought to be the legal security of the country? He admitted, that the amount of gold in circulation was not likely to be diminished by this measure. Country bankers would now not have that necessity to make a store to meet demands upon them, and thus, *pro tanto*, there would be less absorbed from circulation. But suppose the country bankers to have now 1,000,000 of sovereigns constantly in deposit for this purpose, what would be the effect of adding this to the money now passing? Nothing upon the price of gold, for it was known, that larger sums were frequently hoarded without any sensible effect on the market value of the metal. The right hon. Gentleman dwelt upon the panic of 1825, and the trembling and agony experienced at the time, to prove that these commercial panics were far from being a mere nine days' wonder, but of the most serious importance. Notwithstanding all that had been said by his hon. friend opposite, he contended that the removal of the 1*l.* and 2*l.* notes had greatly diminished the chance of panic; and a further security against its occurrence was to be found in the fact that they had reduced the amount of the country bank circulation one-third. He had no objection to allow those who chose to take Bank of England notes in payment of their demands to do so; but any act which compelled a man to take the notes of an institution the stability of which he might have cause to distrust, was an act of tyranny. The noble Lord's proposition had been described as replete with advantages to the country bankers; all he could say was, that if he were a country banker, he should deprecate the boon. The hon. member for Essex had said, that in the event of war breaking out, a bank restriction must be resorted to; and in that case he begged the House to consider what situation the country bankers would be placed in. Suppose Parliament not to be sitting at the time, and that an Order in Council should be issued to prevent the Bank of England paying gold. The country bankers would still be liable to pay in gold;—their coffers would be drained;—and when they sent to London for gold, they would find that a restriction was placed upon the Bank. If the noble Lord's original Resolution had been agreed to, he would at last have been forced to have recourse to a 1*l.* note currency; and he had only escaped from that evil by the proposition of a measure, the effect of which, if not a nullity, would be full of hazard.

Mr. *Cobbett* said, he did not rise for the purpose of stating at the present moment what his sentiments were with respect to the Resolution proposed by the noble Lord, but to show the House what weight ought to be attached to the authorities quoted by an hon. Member opposite (Mr. Gisborne). The first authority referred to by the hon. Member was Mr. Horner. That Gentleman was Chairman of the Committees which sat in 1810 and 1811, and which recommended Parliament to pass a law to compel the Bank of England to pay in gold at the end of two years from that period. If that scheme had been followed, the whole concern would have been blown up in a very short time. Thus much for the hon. Member's authority the first. Authority the second was Mr. Ricardo. Now it was well known that Mr. Ricardo, in recommending the measure of 1819, said that it would not reduce prices more than three-and-a-half per cent. However, he afterwards went as far as four per cent, and at last got to five per cent. The third authority was the hon. member for Essex, who quoted Hume to the effect that the effects of a change from paper money to cash payments would only be felt during the transition. The hon. member for Essex, however, did not seem to recollect that Hume had not in his contemplation a debt of 800,000,000*l.*, the amount of which would not be diminished by the transition from paper to gold. With respect to the question under discussion, all he would say was, that this was not the time to endeavour to patch up the concern by propositions for making Bank notes legal tender, but it was their duty now to come to such a settlement as would give the King's coin to their fellow-countrymen for the rest of their lives, and to their children after them. When the noble Lord's resolution arrived at such a stage as would enable him (Mr. Cobbett) to say "this is the thing at last," he would then offer some observations on it; but before he sat down he could not help expressing his astonishment when he recollected the kind of reception he had latterly met with, that the House had on the present occasion listened to him so long and so patiently.

Mr. *Richards* also supported the Resolution, and he did so on the ground that it would tend to check panics arising either from political or commercial causes. It was well known that many bankers kept 50,000*l.* in coin to meet a run upon them, while in ordinary times 5,000*l.* was quite enough. When the panic came, however, then they were like others forced to crowd to Lombard-street to procure means to meet the demand. He approved also of the alteration which the noble Lord had made in his original resolution, and trusted that he would not be induced to abandon it. Had such a measure as that recommended by the noble Lord's resolution been in operation in 1797, no panic would have occurred at that period, and consequently no Bank Restriction Act would have been necessary. He admitted that it would operate to create an agio on gold; but he was far from thinking that this effect would be either pernicious or unjust. He believed that it would prevent that distress and difficulty taking place which had always occurred in times of commercial embarrassment, in consequence of persons holding country bank-notes, simultaneously demanding their payment.

Mr. *Grote* said, he must admit that up to a short time ago this measure met with his concurrence; but subsequent inquiry had convinced him that it was calculated to effect more harm than good for the country. He was perfectly ready to admit, that to a considerable extent it would be advantageous in distrusting (assuming it was not carried too far) the country circulation; but there would be no advantage at all if the feeling should be carried, as possibly it might be, to a distrust even of the circulation of the Bank itself. The measure did not give the means, as he once believed it did, for maintaining what he might term the retail circulation of coin. On that ground he must withhold his assent from it. He admitted that from the competition which would arise amongst the country banks, gold would be extended over many of their localities; but he doubted if it would be so to a proper extent all over England. There would not be, in his opinion, an adequate supply of specie over the poor districts as well as the rich ones. In fact, there would be a certain commission charged on gold over that which would be demanded for notes. This had been the case in Manchester on the establishment of the branch bank, to the extent of one-eighth, and the knowledge of the fact had tended materially to alter his views upon the subject. It would prove a great hardship on the poor and remote districts, more especially those far removed from a town where there was a branch bank. A further reason for his present view of the subject, was, that by the working of this clause it would have the effect of hindering small depositors—men who had their thirty or forty pounds—from carrying gold to the country bank. They took it there now because they knew they could have it back on demand, but they would of course cease to do so when they had no longer a legal title to its repayment in the same coin in which it was deposited. Thus would they deprive country bankers of the means of conferring benefit on their neighbourhood, for it was by receiving these small savings that they were enabled to spread capital over the country. It was from the great suspicion he now entertained that there would be a deficiency of local specie, and that consequently there would be a great liability to the occurrence of a commercial panic—it was in a great measure from a suspicion on that head that he should withhold his assent from the present Bill. He could not give his consent to the measure unless he saw perfectly that there would be always a sufficient amount of specie distributed through the country, and he must say, that he did not see any provision for such a result in the present Bill, nor was he convinced that such would be its effect. He had a further distrust of this measure from the circumstance that it was adopted and praised by Gentlemen who held certain opinions on the question of the currency, which he had no doubt they held sincerely enough, but which he could not avoid considering as likely to be injurious to the country if they were adopted. He thought that they ought to refrain from any alteration of the currency, such as was now proposed, without having first proved to them that there was a clear and distinct evil to be remedied, and that the remedy itself was one that not only would meet the evil to be provided against, but that would not occasion an evil of a different kind, and perhaps of a greater extent. This was the more necessary, as there was scarcely any evil that could happen that would not be ascribed in the minds of most men to a change in the currency. It was always made responsible for all the distresses that might befal the country at that period. This might be right or it might be wrong, but the fact was so. He should not pretend to say, that the present system of the currency was free from all imaginary objections: but so far as he knew, there were none to which it was liable, against which might not be opposed equal if not greater objections in the plan now proposed. Till, therefore, the danger to be remedied and the safety of the remedy itself were fully made out, he should not feel himself at liberty to accede to the noble Lord's propositions. He knew that what he had now said was not in accordance with his former opinions on this subject; he distinctly called the attention of the House to the fact; but more extended experience had had the effect of showing him his mistake, and he left this confession of his error, which truth required him to make, to operate on his reputation as Gentlemen might think fit it should.

Lord *Althorp* observed, that the change in the hon. Member's opinions had taken place since the evidence he gave before the Committee on the Bank Charter, and certainly the hon. Member had little right to find fault with his (Lord Althorp's) opinions, since those opinions had been much influenced by the suggestions of the hon. Member, as given in that evidence. The noble Lord then referred to some answers of the hon. Member, given to the Committee, to show that, in those answers, the payment of country bank-notes by Bank of England notes had been recommended. The hon. Gentleman, however, now said that, since giving that evidence, other circumstances coming to his knowledge had altered his opinions, and especially the fact of the commission paid for gold in Lancashire since the establishment of the branch banks. He must say, that he could not agree with the hon. Member in supposing that the poorer districts of the country would suffer from this measure—indeed, he believed that all the evils anticipated by the hon. Member as likely to occur in such districts would be prevented by the competition among the country bankers. The hon. Member had supposed that the poorer classes of tradesmen in the country would dislike to place coin in the hands of the country bankers, because they would not be able to draw it out again. Now, though they would not, under this Bill, have exactly a legal claim to draw it out again, yet, if there were two banks in one place, and one was ready to pay, when required, in gold, and the other was not ready to do so, that difference in their mode of dealing would make the people select one of these banks in preference to the other, and that selection would cure the evil. He believed, that the anticipated evils were never likely to be felt, except in times of great difficulty, and against such occasions the measure had endeavoured to provide. In times of difficulty it was of the greatest possible importance to increase the security of the Bank of England—and times of difficulty, like those of 1825, might again occur. But then, said the hon. member for Bridport, the effect of this measure must be to tend to produce a considerable depreciation in the standard of value. The hon. Member knew as well as any one, that the effect of such a circumstance would be to turn the foreign exchanges against this country, and that being so, the Bank must have such a drain of gold as would have the effect of restoring the exchanges. There was nothing but a Bank Restriction Act that could keep the exchanges permanently against this country. He believed, that the fears of the hon. Member were groundless, and that the change would be productive of the greatest advantage to this country. Instead of affording any ground for apprehension that it would produce bad effects on the circulating medium, he believed that all such evils were fully guarded against, and that it would be most desirable that the Resolution should be adopted.

Mr. *Clay* thought, that the manly and noble conduct of the hon. member for London, in thus frankly avowing what he now considered to be an error of opinion, was above all praise; and instead of detracting from his character for talent and judgment, would only increase his deservedly high reputation. With respect to the plan which the Government had proposed, he thought the noble Lord had altogether failed, both in showing that there was any difficulty or danger in the present system, and that the proposed plan would obviate it. The noble Lord had shown no necessity for such a change in our monetary system, and in his opinion, no such panic as that of 1825 was likely again to occur. He believed, that the plan of the Government was not calculated to obviate any real danger; but he feared that it was likely to create some. He thought that they incurred danger, in infringing on the principle of the convertibility of Bank paper; and he should oppose that part of the plan most decidedly. Country banks had already sufficient facilities for circulating their paper; the issue of it was favoured by several different circumstances. He knew that there were instances in some of the manufacturing districts in which manufacturers paid their men in a body, so that they might give among three or four men one *5l.* country bank-note, instead of giving to each the amount due to him in sovereigns; and these men were charged, at the public-house where they spent their money, 1*s.* for each note changed for them. This was a serious evil in these places. [Cries of "*name,*" and "*where.*"] In the manufacturing districts of Lancashire and Yorkshire he had known instances of it.

He could tell the noble Lord, that there was already a feeling against this plan, even in those parts of the country where Bank of England notes now circulated instead of country notes; and that in these places indignation was already expressed at the attempt of the Government to make Bank of England notes a legal tender, and there was already a disposition to combine and prevent their circulation. What were the intentions of the Government with respect to Scotland and Ireland on this part of the subject? Did the noble Lord mean to make Bank of England notes a legal tender in those parts of the Empire? for if he did, he might as well resort at once to a Bank Restriction Act, the evils of which he had just confessed. So persuaded were the Americans of the necessity of a perfect convertibility of paper into gold, that there were no Charters now given to incorporate banks there, except upon the condition that they were to be forfeited, the moment they were unable to pay a single sum in gold.

Mr. *John Smith* commenced by praising the liberality with which the Bank of England had acted in every crisis of public difficulty, and especially in the year 1825, when such a panic occurred as, he believed, would never occur again. At that time the Bank had committed a mistake in the extent to which it carried its liberality. Now, it was the interest of every man, manufacturer as well as agriculturist, to protect public credit; and a second mistake in the Bank of England might be injurious to the whole country. This mistake, however, could not occur if the notes of the Bank of England were made legal tender. He was of opinion, that making them a legal tender would not occasion any great scarcity of gold. Though it might be true that a publican had charged 1*s*. for changing a 5*l*. country note into sovereigns, he would not say that he doubted—he would say at once that he disbelieved—that any country banker had ever done such a thing. He contended, that the right hon. member for Tamworth, on bringing in his Bill of 1819, had rendered great service to the country. We had now done, thank God! with 1*l*. and 2*l*. notes: if they should ever again be permitted to return into circulation, he would retire from banking and live as well as he could on his means, believing, as he did, that our ruin would infallibly follow the recurrence to such a practice. He thought that the first opinion of his hon. friend, the member for the city of London, was the best. As to the fears which some hon. Members seemed to entertain of the injurious effects of the measure on the currency, he thought they were altogether groundless. Looking, then, at the measure in every point of view, he thought it would benefit the country, and he would, therefore, give it his cordial concurrence.

Mr. *Blamire* expressed a hope, that as so much depended on the judicious settlement of this question, it would receive the most serious consideration. He trusted, therefore, that hon. Members from all parts of the country would state what were likely to be its effects in those places with which they were best acquainted. On these grounds he would say a few words as to what he thought would be its effects in the northern parts of the country, in which he considered that it would be productive of no advantage whatever to the country banker, and would be a serious inconvenience to the community. He could not but regret, that the noble Lord had not brought his plan to some perfect form before he submitted it to the House, which was thus inconveniently called upon to pronounce upon a part of the plan before it was made acquainted with the whole. That part of the measure which would tend to diminish the circulation of country notes, and to substitute those of the Bank of England, would be found greatly inconvenient to the people of some of the northern counties, where they had a strong objection to Bank of England paper, and preferred country paper, as they had much less difficulty in detecting forgeries of the latter than of the former. One effect of the plan would be, that the demand for gold in the northern counties would be increased, instead of being diminished, for those who now took country notes were satisfied with them, as being better able to detect any forgeries of them, but now, if the circulation of those notes was limited, they would seek for gold rather than take Bank of England notes, with which they were not acquainted.

Sir *John Wrottesley* said, that this was one of the most important subjects that had ever come under the consideration of that House. It was one which at different times had occupied the attention of some of the greatest statesmen of modern times, who, differing in most other points, concurred in that of the impolicy of making Bank of England notes a legal tender. Both Mr. Pitt and Mr. Fox had disclaimed the intention of making Bank of England notes permanently a legal tender. Even after the restriction of 1797 it was not admitted, that in all cases they were a legal tender, and this went on till 1811, when a noble Lord, whom they all lamented (Lord King), raised the question in that year, but not for the motives falsely attributed to him, and demanded the payment of his rents in gold. On that occasion the late Lord Stanhope brought in a Bill, which was to have the effect of making the Bank of England note a legal tender for its full nominal amount. Lord Liverpool at first declared that he would oppose it: but, after some consultation with the Bank, he, in a few days, consented to the Bill. If the House would allow him, he would state why Lord Liverpool was induced to pass that Act. Lord Liverpool said:—'By it 'one great and material objection—that 'which referred to making bank-notes a 'legal tender—was in a great measure ob'viated. Generally speaking, the subject 'in question was not proper for legislative 'interference, except in cases of positive 'necessity, of which, as yet, he saw no 'proof. It would be preferable to rely 'upon the general principle of mutual 'confidence, and the good sense of the 'people at large. Here he did not see a 'sufficient case made out to induce a de'parture from that principle.'* This was the opinion of Lord Liverpool; and it should be remarked, that the noble Lord supported the Bill because it did not make bank-notes a legal tender. But it might be said, perhaps, that he was only quoting a departed authority. If the House would allow him, he would give them the opinion of a living authority. Earl Grey said:—'The consequence of this proceeding must 'be, that the bank-notes will become a 'legal tender, and then this country would 'be subjected to the greatest evils experi'enced by the French government in the 'time of the Assignats.'† But lest it should be said, that these reports of debates might not be correct, he would quote an authority with respect to which there could be no mistake. It was no other than a protest against that Bill, and it contained these words:—'Because we think it the 'duty of this House to mark, in the first 'instance, with the most decided reproba'tion, a Bill which, in our judgment, 'manifestly leads to the introduction of 'laws imposing upon the country the com'pulsory circulation of a paper currency—'a measure fraught with injustice, destruc'tive of all confidence in the legal security 'of contracts, and, as invariable experience 'has shown, necessarily productive of the 'most fatal calamities.'* And who did the House think signed that protest? He found the names of Grey, Lansdown, and Vassall Holland appended to it. The hon. Baronet then went on to contend, that this measure might be productive of great injustice to individuals. A man, for instance, might purchase an estate in Cumberland for 100,000*l*., and the seller would be obliged to take the amount in Bank of England notes, when probably at that very time the Bank might have ceased to pay in gold.

Mr. *Forster* concurred in the view of this question taken by the hon. Baronet, and contended that the result of an approximation to making paper a legal tender would necessarily be a depreciation of Bank paper. He greatly regretted, that such a change as this should be brought about at the present time, when we had got a sound and settled system of circulation, resting on the principle of convertibility. The chief ground for diminishing the circulation of country paper was, that a large issue of that paper rendered the exchanges less manageable by the Bank than they otherwise would be. This he denied, and contended, that the influence of country bank paper was so indirect and remote, as to render no additional precautions necessary on the part of the Bank. As to the panic of 1825, it was impossible that such a panic should recur again so long as the 1*l*. notes were kept out of circulation. In conclusion, he implored the Committee to pause before it took a step where to advance would be extremely dangerous, and to retreat extremely difficult, and yet retreat they must:—

Revocare gradum, superasque evadere ad auras,
Hoc opus, hic labor est.

Mr. *Robinson* denied, that the cases of Lord Stanhope's Bill quoted by Sir J. Wrottesley had any application to present circumstances. Formerly notes of every description were received in payment, but by this measure all sums of 5*l*. were payable, on demand, in gold. What would be the effect of this? It was said, that it would give a check to payment in gold. No doubt it would in a slight degree: but that was the object of Government, to prevent a sudden demand for gold more than was necessary. It was only a choice of evils: it was perfectly well known that there was not gold enough in the country to pay all the demands between man and man. How could they pay 28,000,000*l.*, the interest of the National Debt, in gold? They must, therefore, have some of those payments represented by a paper currency, which, on the present plan, he must again contend, would suffer no depreciation. What was the fact in 1825? Why, it was well known, that country bankers came up to London in that year, and took away with them large masses of gold, which were found afterwards not to be necessary, though great trouble had been gone to to procure it. The great object of this Bill was to guard against the recurrence of such a demand for gold.

---

* Hansard, xx. p. 765. † Ibid. p. 838.

* Hansard, xx. p. 831.

Mr. *Mark Philips* opposed the Motion. When he remembered that the Bank of England was in itself merely a mercantile speculation, and that it extended its circulation further, in proportion to its capital, than the country bankers did, he could not but have doubts as to the propriety of making the issues of the Bank of England legal tender. And when he saw the readiness with which hon. Members seemed inclined to adopt this Resolution, it only tended to increase his doubts; and he thought it, therefore, his duty to oppose the Resolution. He denied, that the practice, stated by an hon. Member to exist in some parts of the country, of paying labourers in Bank of England notes of 5*l.* was at all general. In Lancashire it did not exist. There wages were regularly paid at four o'clock every Saturday; and every man, woman, and child carried off their earnings in hard cash. In duty to himself, and to the large constituency which he represented, he felt himself bound to oppose the Resolution.

Colonel *Torrens* would have had no objection to make Bank of England paper legal tender, provided that were done on the plan proposed by Mr. Ricardo, or provided the Bank issues were on the same principle as those stated by Joplin; but he had the strongest possible objection to making the Bank of England notes a legal tender, constituted as the Bank of England was. He believed, that the whole of the distress which had afflicted this country proceeded from the mismanagement of the Bank of England. The Bank of England was bad in practice, but in theory it was worse. Their rule was to keep to the amount of one-third of their liabilities in gold, when the currency was full; but when a foreign demand came, then they diminished the gold in their coffers below that proportion, and in order to a readjustment, they were then obliged either to reduce the circulation or re-establish the amount of gold in their coffers. When, however, they had too much gold in their coffers, they changed that gold into securities. That this was the practice appeared from the evidence of Mr. Horsley Palmer. He (Colonel Torrens) thought those two rules incompatible, and he, therefore, said, that the theory of the Bank of England was worse than its practice. He was of opinion, that if they extended the monopoly of the Bank they would draw upon the country all the evils which had been felt from the fluctuations in the currency, and that when they established the Bank paper as a legal tender, they abandoned all the principles which science had brought to light upon this important subject.

Lord *Sandon* observed, that the object of Government appeared to be to relieve country-bankers from the necessity of procuring gold in the event of a panic, by making Bank of England paper a legal tender in the counties above a certain amount (5*l*). How would the system satisfy the holders of 5*l.* country-notes, and the depositors, who were the two classes of the country-bankers' customers? The holders of 5*l.* notes could still demand gold, and the depositors might draw checks for small amounts, in order to get gold. Such being the case, the country bankers would naturally send to London, not for Bank of England notes, which might not be accepted, but for the article (gold) which he was quite sure would answer his purpose in the event of a panic. Thus it appeared, that the Government plan was, to say the least of it, inefficient: a sufficient ground to justify him in opposing the Resolution.

Mr. *Ewart* said, that the great objection which he had to the change proposed by this Resolution was, that a case of necessity had not been made out; and he thought, such a change was not to be justified but by absolute necessity. The evidence on the subject went against, rather than in favour of, its necessity. He had been on the Committee on the state of our commerce, and had, therefore, had opportunities of inquiring into the subject, and, he was convinced, that the currency of the country as it at present stood was sufficient for the necessities of the country. He objected to the Bank of England because it was a monopoly. If there were other large establishments, the rivals of each other, he would not object to making the paper of that Bank which had shown itself deserving of the public confidence legal tender. Neither would he object to the paper of a National Bank, but he could not support such a proposition in the case of the Bank of England. He would, therefore, oppose the Resolution, in the first place, because it was not necessary; secondly, because the Bank of England was a monopoly; and, thirdly, because the measure had a tendency to depreciate the value of the currency.

Mr. *Poulett Scrope* supported the Resolution. He said, that some people were of opinion, that every liability should be as easily convertible into gold as possible. He was of a contrary opinion. He thought, that it might be advantageous to throw some obstructions in the way of converting responsibilities. The promise to pay in gold was one which could not be fulfilled; and it was the business of the Legislature to take care that debts should be ultimately paid. He thought, the present clause would tend to that, and, therefore, he supported it.

Sir *Henry Willoughby* said, that if a panic arose from a distrust of paper money, it could not be cured by a tender of paper money. The people in such a case wanted gold, not paper, and an offer of paper would increase rather than diminish the alarm.

Mr. *Herries* begged to ask the noble Lord, before the House divided, whether the plan now proposed was to be permanent, and whether measures were to be taken to oblige the Bank of England to retain the present number of Branch banks?

Lord *Althorp* stated, that he thought he had already answered the questions satisfactorily at the desire of other hon. Members. However, as it would appear that he had not made himself perfectly intelligible to the House, he was ready to repeat what he had stated first, in answer to the hon. member for Whitehaven, as to the duration of the arrangement. The hon. Member had asked him whether it was to be considered as permanent or otherwise? He had stated, in answer to this, that the hon. Gentleman must be aware that this was a regulation, not for the benefit of the Bank, but for the benefit of the public. He added, that as it was proposed to insert in the Act of Parliament that it was intended to renew the Bank charter for a period of twenty-one years, it followed, that the regulation could not, under that Act, exist beyond the term fixed for the aintenance of the charter. With respect the possibility of the arrangement being altered in the mean time, he was of opinion, that if it should be found detrimental to the public interest, it would be competent to Parliament to alter it. He had been asked, in the next place, whether he intended to introduce a provision into the Bill for the purpose of compelling the Bank to keep up a certain number of branch establishments to pay in gold in the country? He did not believe it possible for him, or any other man, to state with precision in an Act of Parliament how many branch establishments the Bank ought to support, and, therefore, he declined interfering in the matter. With respect to the third question, he did not think the alteration he had made in the Resolution, which was intended, not to satisfy any doubt of his own as to a possible deficiency of coin in circulation under the Resolution as it before stood, but to satisfy the apprehensions entertained by others on that subject. He did not think that the change would produce any material effect. 5*l.* notes were payable in gold, but for all amounts above 5*l.* Bank of England paper would be a legal tender. If, as had been suggested, a bank issued five-guinea notes, a Bank of England note would certainly be a legal tender for part of that amount.

The Committee then divided on the Resolution—Ayes 214; Noes 156: Majority 58.

Resolution agreed to.

List of the Noes.

Aglionby, H. A.
Andover, Lord
Astley, Sir J.
Baillie, J. E.
Bainbridge, E. T.
Baldwin, Dr.
Barry, G. S.
Bell, M.
Berkeley, H. C.
Bethell, R.
Bewes, T.
Blake, M. T.
Bolling, W.
Bouverie, D. P.
Bowes, J.
Briggs, R.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Buller, J. W.
Buller, C.
Bulwer, H. L.
Butler, Colonel
Calcraft, J. H.
Calley, T.
Cartwright, W. R.
Castlereagh, Viscount
Chaplin, T.
Chapman, A.
Chaytor, Sir W.
Chaytor, Colonel
Clay, W.
Clive, E. B.
Clive, Viscount
Clive, Hon. R. H.
Cookes, T. H.
Coote, Sir C.
Cornish, J.
Daly, J.
Darlington, Earl of
Dare, R. W. H.
Dashwood, G. H.
Dawson, E.
Denison, J. E.
Duffield, T.
Egerton, W. T.
Ellis, W.
Evans, W.
Ewart, W.
Faithfull, J.
Fancourt, Major
Feilden, W.
Fellowes, Hon. N.
Fellowes, H.
Fenton, J.
Fielden, J.

Finn, W. T.
Forester, Hon. G. C. W.
Forster, C. S.
Fryer, R.
Galway, J.
Gaskell, J. M.
Gaskell, D.
Gladstone, W. E.
Gladstone, T.
Grimston, Viscount
Guest, J. J.
Halford, H.
Hall, B.
Handley, B.
Handley, W. F.
Hanmer, Sir J.
Hardy, J.
Hawkins, J. H.
Hayes, Sir E.
Heathcote, J.
Herries, Rt. Hon. J. C.
Herbert, Hon. S.
Hodgson, J.
Hope, H. T.
Howard, P. H.
Hughes, W. H.
Hume, J.
Ingilby, Sir W.
Irton, S.
James, W.
Jephson, C. D. O.
Jervis, J.
King, B.
Lambton, H.
Lefroy, Dr.
Lefroy, A.
Lewis, Rt. Hon. T. F.
Lister. E.
Lloyd, J. H.
Locke, W.
Martin, J.
Molesworth, Sir W.
Morrison, J.
O'Brien, C.
O'Connor, Don
O'Dwyer, A. C.
Ord, W. H.
Palmer, R.
Parker, Sir H.
Parnell, Sir H.
Peel, Rt. Hon. Sir R.
Philips, Sir G.
Philips, M.
Pigot, R.
Plumtre, J. P.
Potter, R.
Powell, W. E.
Price, R.
Ramsden, J. C.
Rickford, W.
Ridley, Sir M. W.
Roe, J.
Ronayne, D.
Russell, C. J. F.
Ruthven, E.
Sandon, Viscount
Sanderson, R.
Sanford, E. A.
Shepherd, T.
Staunton, Sir G.
Stanley, E.
Stewart, J.
Stormont, Viscount
Strutt, E.
Sullivan, R.
Thicknesse, R.
Throckmorton, B.
Todd, R.
Torrens, Colonel
Trelawney, W. L. S.
Turner, W.
Tyrell, C.
Vernon, G. H.
Vigors, N. A.
Vyvyan, Sir R. R.
Walker, R.
Walter, J.
Warburton, H.
Wason, R.
Welby, G. E.
Whalley, Sir S. B.
Whitmore, T. C.
Wilks, J.
Williams, Colonel
Williamson, Sir H.
Willoughby, Sir H.
Wood, G. W.
Wrottesley, Sir J.
Wynn, Right Hon. C.
Wynn, Sir W. W.
Young, J.

TELLER.

Ross, C.

PAIRED OFF

Poulter, J. S.
Romilly, E.

In reply to Mr. Herries on the third Resolution being read,

Lord *Althorp* was understood to say, that he thought that the amount of debt which would remain due to the Bank after the repayment of twenty-five per cent which Government proposed to make upon it would afford ample security to the public. It was, no doubt, most desirable that an adequate security should remain for the public, in the shape of debt due by the Government to the Bank, but he was of opinion that after reducing that debt to the extent of 3,500,000*l.*, a security as ample as was necessary would be still provided for the public.

Mr. *Frankland Lewis* remarked, that they should have some explanation as to the manner in which this returned capital of the Bank was to be employed. If the Bank should be driven to employ a portion of its capital that was now in the hands of Government, in some other direction, it might lead to risk and to those fluctuations which were so mischievous.

Mr. Alderman *Thompson* said, that with respect to the reduction of the capital of the Bank, which formed part of the general arrangement proposed to the Bank by Government, the Bank was satisfied that the amount of capital which would remain, after the proposed payment of 3,500,000*l.* would be quite sufficient for the discharge of all the functions which the Bank at present discharged, or which it might be called upon to discharge, in consequence of the adoption of the new arrangement. It was first proposed by the noble Lord to reduce the capital of the Bank one-half; but to that proposal the Bank Directors very properly felt strong objections, and the statement of those objections on their part had, he thought, fully justified the noble Lord in departing so far from his original proposition as to limit the reduction to 3,500,000*l.* He was quite satisfied that the amount of capital which would remain would be adequate for all purposes, and would be ample security for the maintenance of the public confidence in the Bank.

Mr. *Baring* said, that as it was proposed by this Resolution, that the Government should pay back a part of the debt due by the country to the Bank, it was necessary to inquire what was the object of doing so. If the object of the Government in doing so was to make a better bargain with the Bank on the present occasion, he would admit, that a diminution of the capital of the Bank for such a purpose would be perfectly legitimate; but when he looked at the proposition contained in the next Resolution, he found that the Government had by no means made as good a bargain as it might have made with the Bank under the circumstances. That was the point in this transaction which, as it appeared to him, had not been satisfactorily explained by the noble Lord. This reduction of the debt due to the Bank began with a loss to the public of 20,000*l.* a-year, as the Government would have to pay back to the

Bank the proposed amount (3,500,000*l.*) at a much higher rate than it was borrowed. Instead, therefore, of 120,000*l.* a-year being deducted from the payments made to the Bank for the transaction of the Government business, the real deduction after taking into account this loss to the public of 20,000*l.* a-year, would only amount to 100,000*l.* per annum. What he was now discussing had, perhaps, more connexion with the next Resolution. He could not avoid repeating, that the loss which the public would sustain, and the advantage which the Bank would derive, from the reduction of the capital of the Bank, afforded the noble Lord good grounds for making a much better bargain than he had made with the Bank.

Lord *Althorp* remarked, that the bargain which had been made with the Bank would come more conveniently under discussion when the next Resolution was before the Committee. In proposing the reduction which the Government proposed in the capital of the Bank, he conceived that it would be effected upon advantageous terms for the public at present, considering the state of the money-market. It was impossible to foresee what changes might take place in the money-market hereafter, and that consideration of course had been taken into account in making the bargain which he had made with the Bank. He did not think that, all circumstances considered, he could have made a better bargain for the public.

Mr. *Matthias Attwood* said, that the noble Lord appeared to be more anxious for the interests of the Bank than for those of the Exchequer, over which he presided. One of the noble Lord's reasons for reducing the debt to the Bank, was that the money had been lent at a low rate of interest. Now, if the interest was lower than the market rate, the Exchequer would be a loser *pro tanto*, as it would have to purchase at a higher rate to repay the amount proposed. For his part, he would rather see the noble Lord exhibit an anxiety to reduce the expenses of the Exchequer, so as to effect some reduction in the public taxation, than manifest such an anxiety to secure their dividends to the Bank proprietors. He saw no inclination exhibited on the part of the Bank for a reduction of the debt due to it, and he saw no reason for supposing that the Bank in the first instance would have asked any thing for managing the Government business.

Mr. *Poulett Thomson* said, that the statement which had just been made by the hon. Member was so completely at variance with the papers that had been laid before the House, that he could not avoid noticing it. If the hon. Member would only look into those papers, he would find that the Bank charged the Government 144,000*l.* a-year, or one per cent upon its capital of 14,500,000*l.* lent to the country. That charge was distinctly specified by the Bank Directors, and the grounds on which it was made were, that they lent the money to the Government at three per cent, and that if they returned it to the Bank proprietors they could get four per cent for it. He only regretted that the original proposition to pay off one half of the debt to the Bank did not still form a part of the proposed arrangement, as he was sure the remaining capital would afford ample security to the public. It should be recollected that it was most advantageous for the public, at a momemt when the funds were so high, and when the rate of interest in the market was so low, to get rid of a portion of the debt due to the Bank. If the doing so should be postponed for ten years more, when the renewal of the Charter would come before Parliament, who would engage that the three per cents would not then be at fifty or sixty? See then the disadvantage under which the country would labour in being obliged to fund with the three per cents, at fifty or sixty, instead of being, as they now were, at ninety. But hon. Members would say, that the three per cents were more likely to march the other way. Now, the Government had only to look at the probable state of things, and it was obvious that there was a small margin for a rise, while there was a large margin for a fall in the three per cents at present.

Sir *Robert Peel* said, that although the discussion in which the Committee was at present engaged might be more appropriately taken upon the 4th Resolution, yet, as the present Resolution was so much connected with it, he thought the time of the House would be saved by having that discussion now. It was to be remarked, that in all the Reports of the Committees that had sat with regard to the Bank, the amount of the debt due by the public to the Bank had been always taken as the security for the public—as the grounds for its confidence in the Bank. It was so in the Committee of 1797, and so likewise in the Committee of 1819. The debt of 14,000,000*l.* or 15,000,000*l.* had been uniformly assumed as the security for the stability of the Bank circulation. The noble Lord now proposed to pay off a portion of the debt due to the Bank, and if the circulation of the Bank was to remain as it was, perhaps 11,000,000*l.* of debt would be a sufficient capital as security for that circulation. But the noble Lord's plan went on to extend the circulation of the Bank indefinitely. The noble Lord wished to give the Bank a monopoly of the circulation of the country, and he seized the very same opportunity to effect a diminution in that fund, which afforded one of the grounds of public confidence in the Bank. The noble Lord proposed to add indefinitely to the paper circulation of the Bank, and at the same time he proposed to diminish the debt due by the public to the Bank to the extent of 3,500,000*l.* If that amount was to be repaid to the proprietors, it would be a complete diminution *pro tanto* in the assets of the Bank. He wished to know whether that would be the case? [Lord *Althorp* was understood to say, across the Table, that the Bank would be bound to pay it to the proprietors.] If the Bank, then, would be bound to do so, he (Sir Robert Peel) would maintain, that it would be a diminution *pro tanto* of the assets of the Bank. At the same time this repayment of a portion of the debt to the Bank would not be effected at a loss less than that of 20,000*l.* a-year to the country. The result was, in consequence of the arrangement contained in the 3rd and 4th Resolutions, that the Bank would only have to pay 100,000*l.* a-year for the renewal of its Charter. The Bank on the former occasion, be believed, paid 280,000*l.* for the renewal of the Charter. It lent the Government a sum of 14,000,000*l.* at three per cent, when the rate of interest was five per cent, which was tantamount to paying 280,000*l.* a-year. Supposing, as an hon. Member said, that the market rate of interest was four and a-half per cent only, it was still certain that the Bank at all events, paid much more than 100,000*l.*, and the privileges acquired by the Bank at that period were much less than now. But, although the noble Lord had made a bargain with the Bank which he thought improvident, he would not refuse to ratify the bargain. His confidence in the Bank Directors had indeed, greatly increased since these nogotiations; for if they had got all the privileges, and paid less than they paid before, although he would not say they had outwitted the Chancellor of the Exchequer, they had made a capital bargain for themselves. Although he was not prepared to nullify the bargain the noble Lord had made, still it would be satisfactory to the House and the country if the noble Lord would give some estimate of the mode in which he had calculated what the Bank should give for the renewal of their Charter; and if it was less than the former consideration, his reasons for not making a better bargain.

Lord *Althorp* observed, that the right hon. Baronet had said, that he (Lord Althorp) was reducing the capital of the Bank at the same time that he was increasing their liabilities. He would first observe, that in 1797 the amount due by Government to the Bank was 6,000,000*l.* less than at the present time. When the charter was renewed in 1801 the Bank advanced 3,000,000*l.* for six years without interest. Therefore they had advanced at that time about 10,000,000*l.* or 11,000,000*l.* to Government. Before the last addition the amount of the liabilities of the Bank was a great deal larger than at present, or than any arrangement he proposed was likely to make them; being nearly 30,000,000*l.* In 1816, the Bank advanced 3,000,000*l.* or rather 2,910,000*l.* at three per cent. These advances were never made in consideration of the security of the Bank, but merely for the renewal of their Charter. In 1801, about 150,000*l.* per year was given, in consideration of which some additional privileges were conferred on the Bank. He did not recollect the interest of money when the last 3,000,000*l.* was borrowed from the Bank, but he supposed that the Government might perhaps have gained one per cent on that sum by the transaction. The right hon. Baronet had asked what was the principle of the bargain he had made with the Bank? In his first negotiation with the directors, their proposition was founded on a statement of their accounts. The actual capital of the Bank was 19,000,000*l.*, yielding 1,164,000*l.* a-year: he did not think this a very large profit. He proposed to reduce the funded capital from 14,500,000*l.* to 7,000,000*l.*, and he agreed with the Bank Directors, that they might divide ten per cent on the nominal capital, or eight per cent on the whole capital of the Bank. The proposition made was, that the Bank proposed to give Government 50,000*l.* a-year for the renewal of the Charter, and a division of the surplus profits of the Bank. He thought this sum inadequate, and made a proposition which he thought not unfair, but which the Directors could not recommend to the proprietors, and he was led to consider the course he must pursue. He felt, that it was a matter of much greater importance than a question of how much the Bank should pay; that it was important that the Bank affairs should be put upon a proper footing; and he considered that though a new Bank with a capital of 10,000,000*l.* might be established, it was a question how much such a Bank could afford to do the business of Government for. He found, that if they paid the same amount for its Charter as the Bank of England was to give, the result would be, that it could not make more than six per cent on 10,000,000*l.*, and could not therefore manage the public business cheaper than the Bank of England proposed to do it. He thought it better, therefore, to make a bargain with the existing Bank than to set up a new bank. The principle he took as a guide was, how much a new bank, giving the same security as the old one, would do the Government business for? It might be said, that the Bank made a larger profit than he had calculated, and he believed it did; but this was the principle upon which he had proposed the bargain; he wished, of course, to make the best he could, and he did not think he had been outwitted.

Mr. *Baring* asked whether it was the intention of the noble Lord to decide that night upon the Resolution that contained the before-mentioned bargain? The noble Lord certainly stated with a great deal of ingenuousness, the principle of the bargain between him and the Bank. The noble Lord seemed to consider only the profits of the Bank with respect to its transactions with Government. When he looked to the correspondence lately published, it would seem that the Bank lost 147,000*l.* a-year on its capital lent to Government, for the noble Lord took it for granted, that they deducted one per cent on the interest they might otherwise obtain. He should like to know what were the average profits of the Bank on the whole of their capital. In the account given by the Bank, the noble Lord had allowed them to deduct 147,000*l.*, being one per cent, on the capital which they lost in consequence of lending it to Government. But, in the paper they gave in, they stated how the whole capital of 16,000,000*l.* was employed—namely, 9,000,000*l.* in Exchequer-bills, at two and a-half per cent.; 800,000*l.* stock at three per cent.; 100,000*l.* for the circulation at three per cent.; 500,000*l.* country discounts at three per cent.; and 4,700,000*l.* at four and one-eighth per cent: so that, in fact, the whole 16,000,000*l.* was not employed by the Bank at a higher interest than three per cent; yet they stated their loss on the capital lent to Government at one per cent. The consequence was, that if the noble Lord had been a little more alert in making his bargain, he would have obtained better terms; and there would have been no necessity for establishing a new bank. When he looked at the result of those figures, it was impossible for him not to say, that the Bank had the better in this bargain.

Mr. *Hume* thought, that if the third and fourth Resolutions were to be discussed together, it would be better to defer them; and he would take that opportunity of saying, that the bargain with the Bank was a most profligate one, and that the Bank had its monopoly continued to it absolutely for nothing. The third Resolution might be passed *pro formâ* as a matter of no great consequence; but he hoped that the fourth would be deferred.

Mr. Alderman *Thompson* could not join in the general condemnation of what was called a bargain; and he contended, that unless the circulation of the Bank was increased, and its notes made a legal tender, it would not pay a sufficient dividend to the proprietors for their capital. At any rate it would not pay them as it had hitherto done. The Bank could not be called upon to make large concessions; and he thought that the noble Lord could not obtain fairer terms than he had obtained.

Mr. *Ellice* had one observation to make with respect to the calculations of the hon. member for Essex. If the Bank could make a statement of its former profits, it would be found that its capital brought five per cent, and not three per cent, as that hon. Member calculated. The opportunity the Bank had formerly of realizing those profits no longer existed.

Mr. *Matthias Attwood* remarked, that that was no reason why a better bargain should not be made, for the Bank were not in a worse condition than the rest of the country in this respect. He conceived the bargain which had been made by the Government with the Bank was most monstrous; they had, in fact, made themselves partners with the Bank, but possessed no share in the management of its concerns and none of its profits.

The third Resolution agreed to.

The House resumed, the Committee to sit again.

INDEXES

GENERAL INDEXES

TO

VOLS. XV. XVI. XVII. & XVIII. *(THIRD SERIES)* SESSION 1833

OF

HANSARD'S PARLIAMENTARY DEBATES.

(A.)—SUBJECTS OF DEBATES.

Nº I. HOUSE OF LORDS.—Nº II. HOUSE OF COMMONS.

Nº I. DEBATES—LORDS.

ACTIONS, Limitation of, xviii. 790
Addresses in answer to the King's Speech, vol. xv. 90.—In relation to Portugal, xviii. 238
Administration of Justice, xvi. 1060
Agricultural Labourers, employment of, xviii. 664
Algiers, occupation of, xvii. 900.—xviii. 1026
Answers to the Address, xv. 297.—In relation to Portugal, xviii. 379

Chancery, Bill to Reform the proceedings in, xvii. 70
Church Patronage (Wales), xvi. 1222, 1291.—xvii. 1
Church, Reform of (England), xv. 297
Church, Reform of (Ireland), xvi. 995, 1292
Clergy, conduct of, xv. 297, 1143, 1174
Corn Laws, xvii. 752, 1161
Cotton Duties, xvii. 1069
Curates, salaries of, xv. 297

Death, punishment of, xvi. 632
Debts, payment of, xviii. 104
Disturbances, suppression of (Ireland), Bill for—First reading, xv. 718. Second reading, 837. Committee, 932. Report, 1023. Third reading, 1090. Commons' amendments in, 1294.—Petitions concerning, xvi. 196

East-India Charter, xviii. 851, 991
Education (Ireland), xvi. 699, 779.—xviii. 1355

Fitzgerald, Colonel, xviii. 167

Game Laws, xviii. 166

Inheritance, xviii. 106
Ireland, *see* Mayo, Disturbances, Change of Venue, Education, Juries, King's Bench—Poor Laws, Church Reform Temporalities, State of, xv. 833

Jews, emancipation of, xvi. 775
Juries (Ireland), xvi. 902.—xvii. 5, 671, 720
Justice, administration of, xvi. 1060

King's Bench (Ireland), xvi. 194

Labour Rate, xvii. 751
Law Commission, xvii. 756.—(Scotland,)xviii. 1285.—Criminal, xviii. 316, 1011
Local Judicatures, xvi. 1190.—xvii. 591—xviii. 554, 857, 1062, 1105, 1286
Lunatics, Regulation of (Bill), xv. 550

Mayo, Disturbances in, xv. 463.—xvi. 700
Moravians (Oaths), xviii. 1015

Newspapers, Sunday, xviii. 168

Parliament, Opening of, xv. 33
Peer, Conduct of one, xvii. 1109
Political Unions, xviii. 852
Poor Laws, Commission to inquire into, xv. 386—(Ireland) xvii. 960

Porlock, Case of the Rector of, xv. 1134, 1174

Portugal, Relations with, xviii. 238, 379

Printing (Reports), Expense of, xv. 836

Privileges, Breaches of, xv. 1171.—xviii. 237, 661

Queen Anne's Bounty, xvi. 529

Sabbath, Observance of, xv. 716, 1171.—xvi. 465, 1293.—xvii. 1379

Saint Luke's Vestry, xviii. 954

Slaughter Houses, Metropolitan, xvii. 462

Slavery, abolition of, xvi. 281, 1184.—xvii. 373, 837, 1339.—xviii. 102, 360, 446—Ministerial plan for, 1014, 1163

Slave Trade, xv. 1142

Sligo, Marquess of, accusation against, xv. 463

Speaker, the, Royal Assent to the choice of, xv. 83

Speech, The King's, xv. 86

Stafford, Borough of, Indemnity Bill, xvii. 375, 671, 1071, 1342

Stanley, Mr., Petition to Remove from the Government of Ireland, xv. 1133

Suits, at Common Law, xvii. 137

Temporalities of the Church (Ireland), xviii. 379

Tithes (Ireland), xv. 462.—xviii. 1037

Tithes (England), xv. 1134.—xvii. 718, 960

Turnpike Roads, Debts on, xv. 634

Venue, Change of (Ireland), xv. 1093

West-India Colonies, State of, xv. 1143

Wimbledon, Rectory of, xvii. 960

Wine Duties, xvii. 1338

Nº II. DEBATES—COMMONS.

Absentees (Ireland), xvi. 726

Accounts, Public, xv. 1059

Address in Answer to the King's Speech, xv. 139, 238, 312, 393, 477.—In relation to Portugal, xviii. 515

Advertisements, tax on, *see* Budget

Affirmations, Legality of, xv. 387, 476, 639

Agricultural Labourers, Employment of, xv. 636.—Distress, xvii. 678

Agriculture, Committee to inquire into it, xvii. 958

Answer to the Address, xv. 561

Apothecaries, xviii. 912

Army, Returns of, xv. 1148. Distribution of, xvi. 379. Estimates, 167.—xvii. 948. Flogging in, 49.—xviii. 1229

Assessed Taxes, xv. 560, 616, 993, 1100.—xviii. 15, 1019, 1130

Ballot, Vote by, xvii. 607—xviii. 94

Bank of England Charter, xviii. 169, 1306, 1361

Barristers, Registering, xvi. 698

Beamish, Mr., case of, xviii. 372

Beer, Sale of, Act, xvi. 337, 999.—xvii. 203

Beer-houses Regulation Act, xv. 762.—xvii. 268

Berwick, Governor of, xv. 136

Blasphemy, Punishment of, xv. 634, 767

Bode, Baron de, xvii. 1268

Boston, Corporation of, xviii. 956

Brazils, trade with, xvi. 284, 888

Bribery at Elections, xv. 233.—xvii. 194, 964

Bristol Election, xviii. 33

Budget, the, xvii. 326

Burgh Reform (Scotland), xvi. 567.—xviii. 1243

Business of the House, new plan for Conducting, xv. 137, 219, 1004.—xvi. 101, 568, 883, 905.—xvii. 76, 1344

Capital Punishment, Abolition of, xv. 1152

Carrickfergus Election, xviii. 96

Carts, Taxed, xv. 853

Catholic Soldiers, xv. 218

Catholic Members, Oaths taken by them, xv. 477.—xvi. 1348

Catholic Marriages, xviii. 553, 1239

China Trade, xviii. 377

Church Patronage (Wales), xvi. 104.—xvii. 322.—xviii. 300

Church Property (England), xv. 617, 1022

Church Property (Ireland), xv. 1191.—xvii. 909

Church Rates, xviii. 1305

Church Reform (England), xv. 310.—xvii. 178

Church Reform (Ireland), Ministerial Plan of, xv. 561.—Bill for, first reading, xvi. 477. Second reading, 647. Resolutions concerning, 1354.—xvii. 36. Second Bill for, 966, 113, 1381—xviii. 954, 981, 1012, 1065, 1135, 1234

Clergy (the Irish), Residence of, xv. 623

Codrington, Sir Edward, xvi. 1005, 1119

Coercive Laws (Ireland), *see* Disturbances
Cold Bath Fields Meeting, xvii. 1269
Coleraine Election, xv. 659
Commerce, Committee to inquire into, xvii. 958
Committees, Grand, on Religion, &c., xv. 228, 625.—On Elections, xvi. 341
Constantinople, xvii. 383, 1101
Cork Gaol, xviii. 979
Corn Laws, xv. 139, 1160.—xvii. 1349.—xviii. 964, 1130
Corporation Reform, xv. 309, 645.—xvii. 266
Cotton, Duty on, (*see* Budget)
Counsel, conduct of, in Committees, xvii. 1112
Crown Lands, xvii. 1027, 1274
Culley, case of, and inquest on, xviii. 679, 797
Curtesy of England, Law of, xv. 655

Danish Claims, xviii. 961, 997
Dartmouth, Corporation of, xvi. 117
Debates, Correctness of the Reported, xvi. 1119
Distress, Public, xvi. 918.—xvii. 18, 384, 469, 560.
Debts, Payment of, xvii. 369.—Imprisonment for, xviii. 785
Disturbances, Suppression of (Ireland), Bill for, xv. 873, 1099, 1101. First Reading, 1210, 1299.—xvi. 26, 120, 202. Second reading, 466, 489. Committee, 589, 668, 731, 828, 884, 975. Re-committed, 1148. Third reading, 1236. Petitions concerning, 295, 340, 392, 572, 876
Divisions in the House, xv. 991, 1021
Dover Election, xvii. 371, 895
Dower, Law of, xv. 655
Dramatic Authors, xvi. 560
Dramatic Performances, xvi. 561
Dunglass, Lord, Pension to, xvii. 1064
Dwelling Houses, robberies in, xviii. 613

East-India Company's Charter, xv. 632—xviii. 698
Ecclesiastical Revenues, xv. 1022
Education, National, xv. 758.—xvii. 593
Election Petitions, xv. 230.—xvi. 341
Ellice, Mr., Complaint of, xv. 991
Embargo on the Dutch Trade, xv. 770—xvii. 1074
Employment, Provision against the want of it, xvii. 596
Evidence, refusal to give, xvi. 1067
Explanation, xvii. 466, 728

Factory, Commission to inquire into, xvi. 640, 970, 1001.—xvii. 79.—xviii. 305
Factory Regulations, xv. 390, 1160, 1293.—xvi. 878.—xviii. 447, 914
Fines and Recoveries, Law of, xv. 655
Fire Insurances, xvii. 464
Fisheries, Channel, xviii. 444
Foreign Policy, xviii. 376

Game Act, Bill to amend, xvi. 1205.—xvii. 257
Glasgow Lottery, xvii. 739
Gravesend Pier, xvii. 1036

Hand Loom Weavers, xvii. 18
Health, Public, xv. 1049
Hertford, Borough, xvi. 730.—xvii. 79. xviii. 68, 94
Highways, xv. 1144
House and Window Tax, xv. 560, 616.—(*see* Budget), xvii. 538, 758.—xviii. 15
House of Commons, insufficient accommodation in, xvi. 303. Proposition to build a new one, 370
Houses, Stealing in, xvii. 156

Inclosures, xvii. 1065
Ireland, *see* Address, Vagrants, Disturbances, Tithes, Juries, Vestry Cess, Offences, Poor-Laws, Absentees, Church Temporalities — Information as to its State, xv. 1199

Jersey, xvii 1104
Jews, Emancipation of, xv. 310, 559.—xvi. 10, 725, 973,—xvii. 205.—xviii. 47, 1251
Joint Stock Banks, xviii. 1300
Joy, Baron, xvii. 1274
Judges' Chambers, xv. 1165
Judges' Salaries, xvii. 118
Judges, Diminished Jurisdiction of, xv. 637
Juries, Grand (Ireland), xv. 955, 1188.—xviii. 1231
Juries, Common (Ireland), xvi. 343
Juvenile Offenders, xvii. 146

Kilkenny, Proclaiming of, xvii. 117, 244
Kingston Railway, xviii. 566
Knowledge, Taxes on, xv. 136.—xvi. 2

Lancaster Assizes, xvi. 1203
Larceny, Simple, xviii. 1354
Launceston, Borough of, xvii. 201, 722
Leicester Corporation, xvii. 907
Libel Law, Bill to amend, xvi. 1207
Licensing Magistrates, xviii. 1129
Light-houses, Private, xv. 1067
Limerick (City) Election, xvii. 195
Limitation of Actions, xvii. 1160
Liverpool Election, xv. 1026, 1187.—xvi. 293, 305, 538, 643
London, trade of, xviii. 63
Lord's Day, The, *see* Sabbath

Malt-duties, xvi. 907.—xvii. 690. 728, 758
Manchester Free School, xv. 758

Manufactures, Committee to inquire into, xvii. 958
Marine Insurances, *see* Budget
Marshall, Mr. Grantley, xvii. 744
Members holding Office, xv. 1107
Merchant Tailors' Company, xv. 1030, 1114
Military at Elections, xv. 1166
Military Flogging, xvii. 49
Misunderstandings in the House, xv. 1129
Monetary System, xvii. 384, 466, 469, 540
Museum, British, xvi. 1003

Naval Officers Sitting in Parliament, xv. 622
Navy Estimates, reduction of, xvi. 1005.—xvii. 122
Newcastle, Corporation of, xv. 949
Newsham, Richard, case of, xvi. 1235, 1344
Newry Election, xvii. 1043
Newspapers, Lending, Contrary to Law, xvii. 321.—Difficulty of Distributing, xviii. 1302
Nocturnal Legislation, xv. 559
Norwich, Borough of, xvi. 341

Oaths, xv. 1292
Offences in Ireland, Number of, xv. 1146
Officers of the Army, xvii. 1348
Opinion, Freedom of, xv. 767
Ordnance Estimates, xvii. 740

Parliament, Opening of, xv. 35
Parochial Registration, xvi. 1209
Patents, Law of, xv. 974
Paupers (Irish), Passing of, xvii. 1022
Peel, Sir Robert, xvii. 1277
Peer, Interference of at an Election, xv. 1183
Pensions, xv. 660
Pensioners, xviii. 2
Petitioners, Character of, xvi. 1141
Petitions, Propriety of Printing, xv. 227, 990.—Mode of discussing, xvi. 199, 339, 391, 646, 723, 1140.—xvii. 1344
Places in the House kept, xvi. 303
Pluralities, xvi. 299
Plymouth Break Water, xvii. 122
Poland, xvi. 17.—xviii. 65
Police, Metropolitan, xvi. 1138
Police Offices, xvii. 133, 1067
Political Unions, xv. 311.—xvii. 31.—xviii. 1282
Poor Laws Commission, xviii. 913
Poor Laws (Ireland), xv. 1148.—xvii. 34, 846, 910.—xviii. 108, 1282
Poor, Treatment of the, xv. 947
Portugal, relations with, xviii. 303, 376, 391, 515
Post Office Packets, xviii. 62
Prince Leopold's Annuity, xv. 1077
Prisoners, Counsel for, xvi. 1199.—xviii. 607
Private Bills, xvii. 1035
Property, Law of Real, Bills to Amend, xv. 655

Quakers, Right to sit in Parliament, xv. 387, 476, 639
Quakers' Affirmation on Committees, xvii. 1020. Bill to substitute it for an Oath in all cases, 1040

Reform Act, xviii. 36, 961
Registry, General, of Deeds, xvii. 1044.—xviii. 1001
Report Office, Master of, xv. 632.—xvi. 352
Robinson, Elizabeth, case of, xvi. 1067
Robinson, Captain, case of, xvi. 1142
Rothwell, James, case of, xvi. 1344
Russia, Conduct of, xvii. 383

Sabbath, Observance of, xv. 950.—Petitions, xvi. 5, 115, 291, 968, 997, 1231.—xviii. 266—Bill for Regulating, xvi. 898.—xvii. 1325.—(Scotland), xviii. 977
Sailors, Disfranchisement of, xvii. 73
Saint George's Steam Packet Company, xviii. 993, 1292
Saint Ives, Borough of, xv. 1183
Salaries, Reduction of, xvi. 353
Savings' Banks, xvii. 198, 1031
Secretary at War, xvii. 1348
Separatists' Affirmations, xviii. 1011
Sessional Standing Orders, xv. 137, 219, 625
Sheriffs' Expenses, xvii. 1032.—xviii. 1163
Shipping Interest, Committee to inquire into, xvii. 958
Sinecures and Pensions, xv. 660
Slavery, Abolition of, xv. 948, 1178.—xvi. 729, 826.—xviii. 66, 109.—Ministers' plan for the, xvii. 1193, 1264, 1346.—xviii. 112, 204, 308, 458, 515, 573
Sligo Corporation, xvii. 1266
Soane, Sir John's, Museum Bill, xvi. 667, 1333
Soap, Duties on, xv. 1098.—xvi. 725, *see* Budget
Speaker, Choice of, xv. 35. Royal Assent to, 85. His Retirement Annuity, 217
Speech, The King's, on Opening the Parliament, xv. 135
Spies, employment of, xviii. 1254, 1359
Stafford Indemnity Bill, xvi. 554, 894, 991, 1284
Stamp Duties, xv. 854.—xvi. 385.—xvii. 197
Supply, xv. 831, 852.—xvi. 324, 698, 1005, 1167.—xvii. 122, 323, 740, 948, 1104
Sugar Duties, xvi. 324, 388
Sugar Refinery, xvii. 74.—xviii. 909

Taxation, Repeal of, xv. 852
Taxes, Commutation of, xvi. 1072.—xvii. 842
Temporalities of the Church, *see* Church Reform (Ireland)
Thames Tunnel, xvi. 1331
Tiles, Duty on, *see* Budget
Tithes (England), xv. 761, 1159.—xvii. 1038. Bill to commute, 273
Tithes (Ireland), xv. 951, 973, 996, 1025.—xvii. 299, 726.—xviii. 388, 447, 599, 622, 811
Toleration, Religious, xvi. 963
Triennial Parliaments, xviii. 903
Troubridge, Sir Thomas, charge against him, xviii. 510, 555
Turkey, Affairs of, xvii. 383, 1101

Vagrants (Irish), xv. 311
Vestry Cess (Ireland), xv. 973
Voters, Security for, xv. 765
Votes of the Members, Publication of, xv. 1079

Universal Suffrage, xvi. 339.—xviii. 1024
Unstamped Publications, xv. 768, 1112

Walsall Election, Military at the, xv. 1166
Warwick Election, xviii. 1102
Ways and Means, xvi. 388
Welch Church, xviii, 300
Westminster, New Writ for, xvii. 757
Windsor Borough, xvi. 119

(B).—MEMBERS WHO HAVE SPOKEN IN DEBATE:—

I.—HOUSE OF LORDS.

Aberdeen, Earl of, xv. 96, 123
—xvii. 900, 906, 1338, 1339, 1340
—xviii. 268, 269, 273, 281, 1026, 1285
Asaph, Bishop of St., xvi. 1229, 1230
—xvii. 3
Auckland, Lord, xvii. 1069, 1339

Bangor, Bishop of, xvi. 1223
Bath and Wells, Bishop of, xv. 308, 1173, 1176, 1177
—xvi. 332
—xviii. 678
Belhaven, Earl of, xviii. 1355
Beresford, Lord, xv. 1023, 1024
—xviii. 104
Bexley, Lord, xviii. 1018
Bristol, Bishop of, xvi. 811, 1292
—xvii. 463, 719
Buckingham, Duke of, xvi. 1189, 1196, 1292, 1329
Bute, Marquess of, xvii. 1342
—xviii. 678

Camden, Marquess of, xv. 1142
Carbery, Lord, xvii. 5, 721
Carlisle, Bishop of, xv. 1141
Chancellor, The Lord, xv. 33, 84, 85, 297, 309, 386, 552, 751, 1024, 1097, 1133, 1136, 1172
—xvi. 194, 195, 334, 465, 537, 632, 639, 1061, 1064, 1066, 1190, 1320, 1330
—xvii. 70, 144, 378, 591, 671, 675, 756, 757, 1018, 1110
—xviii. 104, 105, 106, 283, 370, 446, 554, 795, 796, 857, 885, 887, 888, 1017, 1059, 1060, 1063, 1107, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1126, 1128, 1220, 1226, 1285, 1286, 1287, 1289, 1290, 1291
Chester, Bishop of, xvi. 534
Clanricarde, Marquess of, xv. 474, 847
—xviii. 11
Clifden, Viscount, xvi. 198
Clifford, Lord, xvii. 1018
Cloncurry, Lord, xv. 716, 718, 755
—xvi. 821
—xvii. 721
—xviii. 102
Colville, Lord, xv. 1143
Conyngham, Marquess of, xv. 90
Cumberland, his Royal Highness the Duke of, xv. 1023, 1135
—xvii 1110
—xviii. 1125

Dublin, Archbishop of, xvi. 788, 806, 811

Eldon, Earl of, xv. 551, 750
—xvi. 1061, 1065, 1066, 1067, 1293, 1296
—xvii. 144, 719, 110
—xviii. 282, 794, 795, 853, 857, 1105, 1116
Ellenborough, Lord, xv. 754, 833, 834, 835, 836, 1023, 1024, 1096, 1136, 1141, 1142, 1143
—xvi. 536, 638, 1066, 1185, 1293, 1295, 1315, 1330
—xvii. 2, 12, 375, 378, 963, 1069, 1070, 1339
—xviii. 991, 992, 1211, 1226, 1286
Exeter, Bishop of, xv. 1177, 1178
—xvi. 535, 802, 806, 815
—xviii. 379, 385, 1357

INDEX.

Fitzwilliam, Earl, xvi. 1187
  —xvii. 752, 756, 841, 1161, 1179, 1191

Goderich, Viscount, xvi. 1186
Gosford, Earl of, xvi. 820
Grey, Earl, xv. 107, 132, 305, 308, 718, 751, 834, 835, 837, 846, 850, 1023, 1024, 1093, 1096, 1097, 1132, 1142, 1143
  —xvi. 537, 1188, 1294, 1298, 1313, 1316, 1317, 1328
  —xvii. 374, 755, 903
  —xviii. 249, 269, 273, 298, 384, 852, 991, 992, 1028, 1031, 1046, 1063, 1201, 1204, 1211
Haddington, Earl of, xvii. 962, 1342
  —xviii. 1355, 1358
Hamilton, Duke of, xvii. 961, 963
Harewood, Earl of, xviii. 1198, 1199, 1204
Harrowby, Earl of, xv. 1023, 1025
  —xvi. 534, 1329
Holland, Lord, xviii. 1126

Kenyon, Lord, xvi. 814
  —xvii. 671
  —xviii. 955
King, Lord, xv. 297, 307, 308, 1133, 1136, 1139, 1141, 1172, 1175, 1177, 1178
  —xvi. 333, 334, 529, 535, 536, 1228, 1230, 1291
  —xvii. 1
Kinnaird, Lord, xv. 94

Lansdown, Marquess of, xv. 756
  —xvi. 82, 131
  —xvii. 374, 1071
  —xviii. 278, 281, 675, 851
Llandaff, Bishop of, xvii. 462
London, Bishop of, xv. 301, 307, 308
  —xvi. 533, 536, 537, 777, 1293, 1324, 1326
  —xvii. 1399
  —xviii. 168, 671, 679, 1015, 1018
Londonderry, Marquess of, xviii. 856, 1028, 1031
Longford, Earl of, xv. 743, 749, 843, 848
  —xvii. 720
Lorton, Viscount, xv. 476
Lyndhurst, Lord, xvii. 140, 591, 960, 1012, 1016, 1017, 1018, 1071
  —xviii. 554, 790, 796, 868, 885, 888, 1062, 1063, 1118, 1119, 1120, 1121, 1122, 1123, 1125, 1126, 1127, 1128, 1286, 1287, 1288, 1289

Malmesbury, Earl of, xviii. 167
Melbourne, Lord, xv. 474, 834, 841
  —xvi. 332, 1309, 1324
  —xvii. 675, 721, 1016
  —xviii. 167, 854, 1038, 1046, 1356, 1357

Plunkett, Lord, xvi. 721, 811, 814, 815, 902, 1302, 1325
  —xvii. 14
Radnor, Earl of, xvii. 375, 720, 1071, 1073
Richmond, Duke of, xv. 634
  —xvi. 708, 806, 1189
  —xvii. 752
  —xviii. 167, 664, 678, 1018
Ripon, Earl of, xvii. 1070, 1178, 1179
  —xviii. 362, 1029, 1163, 1165, 1168, 1228
Rochester, Bishop of, xvii. 960
Roden, Earl of, xv. 133, 716, 717, 844, 846
  —xvi. 196, 465, 778, 823, 995, 1310, 1326
  —xvii. 14, 721
  —xviii. 237, 1057, 1355
Rolle, Lord, xvii. 374
Rosslyn, Earl of, xvii. 374

Saint Vincent, Lord, xviii. 360
Salisbury, Marquess of, xviii. 677
Segrave, Lord, xviii. 167, 856, 857, 955
Shaftesbury, Earl of, xv. 297, 1023
  —xvii. 755
Sligo, Marquess of, xv. 466, 470
  —xvi. 708, 709
Suffield, Lord, xvi. 281, 699, 777, 1184, 1186, 1189
  —xvii. 373, 374, 718, 719, 751, 839, 1019, 1340, 1341, 1342
  —xviii. 104, 364, 446, 955, 1018, 1194, 1198, 1199
Suffolk, Earl of, xviii. 955
Sussex, his Royal Highness the Duke of, xvii. 960, 1011

Templemore, Lord, xv. 473
Teynham, Lord, xv. 386, 462, 463, 470, 475, 634, 834, 1090, 1132, 1142, 1172, 1173
  —xvi. 700, 708, 722, 1313

Uxbridge, Earl of, xv. 748

Wellesley, Marquess of, xviii. 379
Wellington, Duke of, xv. 123, 132, 745, 848
  —xvi. 1300, 1310, 1317
  —xvii. 671, 837, 880, 1339, 1340, 1342
  —xviii. 103, 104, 106, 166, 238, 296, 368, 1042, 1060, 1180, 1198, 1211, 1358
Western, Lord xviii. 954
Westmeath, Marquess of, xv. 834
  —xvi. 195, 199, 722, 1132
  —xviii. 661, 1059
Westminster, Marquess of, xv. 1171
  —xvi. 775, 1222, 1230, 1291
  —xvii. 4
  —xviii. 166
Westmoreland, Earl of, xv. 1092
Wharncliffe, Lord, xvi. 536, 1293, 1327
  —xviii, 955

Wicklow, Earl of, xv. 757, 837, 1095
—xvi. 332, 817, 905, 1307
—xvii. 6, 961, 1190
—xviii. 106, 1031, 1060, 1119, 1356
Winchilsea, Earl of, xvii. 751, 1109, 1110, 1189
—xviii. 677, 852, 1165
Wynford, Lord, xv. 308, 550, 1024, 1097, 1104
—xvi. 334, 708, 1063, 1066, 1291, 1350, 1326
—xvii. 8, 135, 145, 377, 1073, 1341
—xviii. 105, 289, 446, 678, 790, 955, 1015, 1060, 1063, 1117, 1118, 1120, 1121, 1122, 1123, 1127, 1226, 1287, 1289, 1290, 1291

II.—HOUSE OF COMMONS.

ABERCROMBIE, Mr., xv. 1047, 1126
—xvi. 858
—xviii. 43, 1072, 1247
Acheson, Lord, xvi. 220
—xvii. 889
Advocate, Lord, xv. 649, 651
—xvi. 567, 568
—xvii. 1064
—xviii. 1244, 1246, 1249, 1250
Aglionby, Mr., xv. 1087, 1188
—xvi. 2, 5, 485, 688, 1164, 1207
—xvii. 194, 255
—xviii. 620, 849, 976, 1066, 1247
Agnew, Sir Andrew, xvi. 723, 724, 898, 901, 902, 1232
—xvii. 1326
—xviii. 978
Althorp, Lord, Chancellor of the Exchequer, xv. 35, 63, 79, 83, 136, 137, 139, 200, 202, 204, 219, 226, 227, 229, 230, 231, 238, 309, 310, 311, 388, 451, 480, 549, 560, 561, 599, 618, 619, 624, 625, 627, 632, 636, 637, 645, 648, 655, 673, 689, 769, 832, 853, 868, 897, 970, 974, 989, 990, 1000, 1004, 1005, 1016, 1018, 1020, 1021, 1035, 1038, 1043, 1063, 1078, 1083, 1089, 1098, 1101, 1102, 1106, 1108, 1113, 1118, 1123, 1129, 1210, 1297, 1363, 1364
—xvi. 4, 14, 99, 101, 114, 119, 177, 194, 199, 200, 253, 272, 273, 304, 322, 324, 326, 327, 328, 341, 343, 347, 352, 359, 374, 380, 382, 389, 395, 402, 453, 463, 471, 474, 478, 479, 481, 484, 527, 553, 568, 569, 570, 571, 589, 590, 596, 610, 621, 631, 643, 645, 646, 647, 649, 650, 662, 669, 686, 699, 743, 744, 747, 750, 751, 758, 765, 766, 768, 774, 826, 827, 854, 871, 883, 886, 888, 891, 894, 906, 910, 916, 917, 940, 946, 975, 991, 1004, 1015, 1015, 1070, 1095, 1160, 1176, 1182, 1204, 1278, 1352, 1354, 1398
—xvii. 32, 34, 36, 39, 40, 43, 44, 45, 46, 54, 75, 118, 119, 192 195, 196, 200, 271, 273, 281, 284, 323, 325, 326, 333, 364, 368, 384, 405, 464, 465, 466, 467, 537, 582, 656, 680, 681, 701, 710, 716, 728, 729, 738, 739, 742, 744, 746, 769, 819, 846, 867, 893, 946, 955, 958, 959, 966, 967, 1005, 1010, 1022, 1024, 1027, 1031, 1098, 1142, 1260, 1324, 1326, 1331, 1349, 1366, 1368, 1378, 1384, 1387, 1397, 1398, 1399, 1401,
—xviii. 8, 10, 11, 30, 34, 35, 101, 169, 197, 198, 202, 203, 306, 357, 388, 389, 454, 455, 531, 543, 546, 575, 592, 632, 658, 659, 660, 789, 812, 820, 823, 826, 830, 846, 848, 911, 914, 934, 951, 962, 963, 969, 973, 977, 984, 986, 1014, 1020, 1022, 1272, 1280, 1301, 1303, 1305, 1321, 1346, 1354, 1359, 1361, 1362, 1391, 1399, 1401, 1403, 1406
Ashley, Lord, xv. 391, 393, 951
—xvi. 200, 640, 641, 1001
—xvii. 85, 114
—xviii. 305, 306, 307, 308, 914, 915
Atherley, Mr., xvi. 323
Attorney General xv. 81, 82, 233, 770, 803, 984, 1113, 1124, 1158
—xvi. 71, 1209, 1221
—xvii. 73, 252, 1268
—xviii. 25, 83, 807, 1009
Attwood, Mr. Matthias, xv. 560, 1030, 1035, 1036, 1041, 1046, 1114, 1129
—xvi. 341, 915, 951, 1002
—xvii. 107, 324, 384, 466, 577, 584, 585, 734, 748, 944, 968
—xviii. 307, 1403, 1408
Attwood, Mr. Thomas, xv. 543, 549, 550, 1163, 1166, 1168, 1204
—xvi. 353, 397, 581, 618, 672, 742, 828, 905, 906, 918
—xvii. 199, 204, 383, 605, 688, 1031
—xviiii. 65, 67, 1130, 1280, 1281
Baillie, Mr. xviii. 34
Baldwin, Mr. xv. 238, 868, 1002, 1104, 1180, 1364
—xvi. 121, 331, 393, 583, 754
—xviii. 836, 906, 913, 997, 1098
Bannerman, Mr., xvi. 1067, 1069
—xviii. 1245
Baring, Mr., xv. 389, 626, 632, 799, 801, 854, 1044
—xvi. 485, 542, 558, 559, 566, 571, 948, 990, 991, 992, 1206, 1338, 1340, 1342
—xvii. 273, 281, 287, 351, 494, 509, 713, 715, 736, 833, 1044, 1084, 1104, 1367, 1368,
—xviii. 187, 203, 453, 491, 503, 518, 595, 597, 1348, 1364, 1402, 1407,
Baring, Mr. Henry, xvii. 1112
Baring, Mr. Francis, xvii. 642
Barnard, Mr., xvi. 1245
Barron, Mr., xv. 292, 591, 654, 655, 1193
—xvi. 146, 395, 396, 405, 459, 751, 769, 1152, 1251, 1283

—xvii. 711, 892
—xviii. 390, 606, 541, 850, 997

Bateson, Sir Robert, xvi. 144, 146, 1069
—xvii. 1157, 1393, 1399
—xviii. 99, 101, 950, 953, 1014, 1240

Bayntun, Mr., xvi. 179

Beauclerk, Major, xv. 75, 337, 634, 691, 1001 1359, 1261
—xvi. 402, 850, 909, 1182
—xvii. 266, 267, 698, 956
—xviii. 580, 836, 903, 904, 914, 996, 1138

Beaumont, Mr., xv. 998
—xvi. 485, 628, 953, 1231
—xvii. 586

Belfast, Lord, xvii. 1108

Bellew, Mr., xvi. 1271
—xviii. 837

Benett, Mr., xv. 1026, 1059
—xvi. 293, 294, 305, 323, 338, 543, 645, 1068
—xvii. 595, 694, 735, 791, 1112, 1375
—xviii. 975

Bentinck, Lord George, xvii. 1097

Berkeley, Mr. Grantley, xvii. 111, 667, 1377

Berkeley, Captain, xv. 677, 1087, 1109
—xvi. 864, 1054

Bernal, Mr., xv. 1181.
—xvi. 730, 1003
—xvii. 79
—xviii. 68, 92, 93, 132, 325, 445, 616, 922, 1089, 1253, 1306, 1354

Blackney, Mr., xvi. 297, 300, 394, 512

Blamire, Mr. xviii. 1394

Blunt, Sir Charles, xv. 761

Bolling, Mr., xvi. 337, 339

Briscoe, Mr., xv. 418, 710
—xvi. 1057, 1335
—xvii. 267, 741, 956
—xviii. 597, 912, 920

Brocklehurst, Mr., xvi. 368, 574

Brotherton, Mr., xv. 760
—xvi. 642, 1002, 1235
—xvii. 200
—xviii. 26

Brougham, Mr. William, xvi. 1206
—xvii. 830, 1044
—xviii. 1001

Browne, Mr. John, xv. 402, 520, 522, 970
—xvii. 445

Browne, Mr. Dominick, xvi. 629, 1159, 1264
—xviii. 839, 953, 1097

Bruce, Mr. Cumming, xviii. 978, 1249, 1250

Buckingham, Mr., xv. 1010, 1158, 1169
—xvi. 177, 400, 618, 619
—xviii. 52, 225, 472, 756, 911, 961, 1230, 1304

Buller, Mr. Charles, xv. 1113
—xvi. 489, 628
—xvii. 122, 153, 203, 723, 724
—xviii. 45, 575, 919

Buller, Mr. Edward, xvii. 203, 1039
—xviii. 58

Bulteel, Mr., xvi. 118

Bulwer, Mr. Edward Lytton, xv. 136, 238, 1231
—xvi. 561, 566, 944

Bulwer, Mr. Henry Lytton, xvi. 26

Burdett, Sir Francis, xv. 49, 77, 237, 585, 653, 706, 997, 1099
—xvii. 58, 67, 583, 584, 757, 822, 1377
—xviii. 1130, 1303, 1352

Burrell, Sir Charles, xv. 762, 1101
—xvi. 7, 14, 999, 1000
—xvii. 569, 716
—xviii. 1251, 1252

Butler, Colonel, xv. 1025
—xvi. 727
—xviii. 599, 603

Buxton, Mr., xvi. 723, 826, 827
—xvii. 1260, 1336
—xviii. 112, 388, 507, 516, 517, 518, 520, 538, 545, 546, 589, 597

Byng, Sir John, xv. 1239
—xvii. 58, 955, 1043

Caley, Mr., xvi. 676

Calvert, Mr. Nicholas, xvi. 1057

Callaghan, Mr., xv. 921

Carew, Mr., xv. 1351

Carter, Mr. Bonham, xvi. 631
—xvii. 127
—xviii. 40

Castlereagh, Lord, xvi. 133
—xvii. 1010, 1159

Cavendish, Mr. Charles, xv. 761

Cavendish, Colonel Henry, xvi. 473

Cayley, Sir George, xv. 988

Cayley, Mr., xvi. 948
—xvii. 486, 1373
—xviii. 1009, 1383

Chandos, Marquess of, xv. 139, 622
—xvi. 916
—xvii. 270, 678, 681, 729

Chapman, Mr. Montague, xvi. 153, 586, 603, 629, 1159
—xviii. 643, 837

Chetwynd, Mr., xvi. 894, 895, 1290

Chichester, Colonel, xvi. 142

Christmas, Mr., xv. 655
—xviii. 850

Clay, Mr., xv. 207, 560, 1354
—xvi. 948, 1236
—xvii. 74, 474, 891
—xviii. 63, 82, 588, 911, 1392

Clements, Lord, xv. 970

Cobbett, Mr., xv. 60, 76, 138, 139, 346, 515, 524, 531, 559, 561, 616, 635, 637, 693, 854, 872, 950, 1017, 1035, 1111, 1113, 1179, 1189, 1190, 1191, 1194, 1294
—xvi. 3, 6, 11, 14, 19, 111, 115, 200, 201, 272, 273, 291, 292, 295, 300, 305, 338, 340, 363, 385, 387, 467, 573, 586, 588, 602, 646,

688, 725, 726, 729, 731, 878, 887, 944, 961, 969, 972, 973, 974, 998, 1003, 1140, 1148, 1234, 1235, 1236, 1239, 1240, 1333, 1336, 1341, 1343, 1347
—xvii. 28, 29, 118, 151, 153, 172, 193, 195, 196, 425, 465, 539, 603, 658, 680, 704, 794, 846, 913, 935, 1024, 1030, 1033, 1039, 1277, 1281, 1323, 1324, 1325
—xviii. 510, 555, 558, 683, 803, 904, 1000, 1023, 1024, 1254, 1263, 1274, 1359, 1360, 1387

Codrington, Sir Edward, xv. 705, 1077, 1110
—xvi. 1045, 1052, 1053, 1054, 1120, 1129, 1131, 1134, 1137, 1332
—xvii. 130, 1036
—xviii. 557, 906

Conolly, Colonel, xv. 900, 916, 967
—xvi. 350, 421, 481
—xvii. 888, 1007, 1377
—xviii. 539, 570, 946, 1157, 1233, 1297

Cooper, Mr. Edward, xvi. 453
—xviii. 1023

Coote, Sir Charles, xv. 1026
—xvi. 222

Cornish, Mr., xvii. 28, 108

Curties, Mr. Herbert, xv. 761, 762
—xvi. 391
—xvii. 56, 708

Curties, (Captain) Mr. Edward, xvi. 852
—xvii. 55

Dalmeny, Lord, xviii. 317

Dalrymple, Sir John, xvi. 853

Darlington, Lord, xvi. 482, 849
—xvii. 629
—xviii. 972

Dare, Mr. Hall, xvi. 1250
—xvii. 595, 735

Davies, Colonel, xv. 197, 225, 232, 480, 676, 1007, 1085
—xvi. 200, 380, 478, 526, 622, 627
—xvii. 341
—xviii. 235, 375, 391, 456, 550, 1091, 1093

Daunt, Mr., xvi. 225

Denison, Mr., xviii. 1001, 1362

Divett, Mr., xvi. 773, 774
—xviii. 66

Donkin, Sir Rufane, xvii. 55

Douglas, Mr., xv. 392

Dugdale, Mr., xvi. 581

Duncannon, Lord, xvi. 172, 515
—xvii. 1025, 1030, 1274, 1276
—xviii. 657, 817, 1139, 1160

Duncombe, Mr. Thomas, xvii. 108, 1063
—xviii. 1009

Dundas, Captain, xv. 705, 1077
—xvi. 329, 379
—xvii. 125, 127, 130, 1375

Dunlop, Captain, xvi. 568

Ebrington, Lord, xv. 58, 362, 366, 592, 1076, 1361
—xvi. 884, 1058
—xvii. 685, 738
—xviii: 376, 823, 1092

Ellice, Mr., xv. 991, 992, 993
—xvi. 554, 555, 992, 993, 995, 1284, 1287, 1290
—xvii. 948, 1104, 1106, 1108, 1348, 1349
—xviii. 45, 1103, 1230, 1408

Elliot, Captain, xvii. 1038
—xviii. 62, 562

Ellis, Mr. Wynn, xvi. 367

Estcourt, Mr., xvi. 113, 301
—xvii. 48, 892, 976, 1112, 1331, 1398, 1401
—xviii. 978, 986, 988, 1071, 1263

Evans, Colonel, xvii. 1348, 1349, 1384
—xviii. 10, 23, 39, 94, 95, 303, 440, 565, 595, 802, 905, 961, 964, 973, 1019, 1020, 1024, 1129, 1261

Evans, Mr. George, xvi. 584

Evans, Mr. William, xvii. 908

Ewart, Mr., xv. 289, 638, 1016, 1159, 1187
—xvi. 287, 476, 566, 880, 1204
—xvii. 75, 170, 369
—xviii. 591, 610, 621, 909, 1398

Ewing, Mr., xvi. 291

Faithfull, Mr., xv. 77, 761, 872, 1057
—xvi. 5, 329, 1207
—xvii. 48, 178, 964

Fancourt, Major, xvi. 135
—xvii. 648

Fenton, Mr. Lewis, xv. 763
—xvii. 1107

Ferguson, Mr. Robert, xv. 336
—xvii. 104
—xviii. 1098, 1244

Ferguson, Sir Ronald, xv. 695, 1236
—xviii. 1102, 1104

Ferguson, Sir Robert, xvii. 67
—xviii. 1072

Fergusson, Mr. Cutlar, xv. 1158, 1162
—xvi. 15, 17, 21, 114, 350, 364, 376, 589, 604, 641, 672, 685, 686, 761, 832, 839, 894, 899, 971, 978, 1232, 1352, 1353
—xvii. 169, 285, 606, 683, 886, 969, 1372
—xviiii. 642, 756, 783

Fielden, Mr. John, xv. 540
—xvi. 329, 330, 365, 574, 953, 1002, 1240, 1337
—xvii. 18, 30, 112, 1292, 1300, 1325

Finch, Mr., xv. 311
—xvi. 761, 899, 1397
—xviii. 55, 840, 1263, 1279

Finn, Mr., xv. 357, 360, 366, 929, 970, 1107, 1248
—xvi. 110, 146, 574, 580, 585, 617, 728, 747, 752, 878
—xvii. 45, 1384
—xviii. 450, 602, 802, 830, 905, 1145, 1146

Fitzgerald, Mr., xv. 399, 972
—xvi. 168, 575, 576
—xviii. 324, 657

Fitzsimon, Mr. Nicholas, xvi. 459, 576, 586
  —xviii. 34, 572, 643
Fitzsimon, Mr. Christopher, xvi. 585
Fleming, Admiral, xviii. 325, 471, 566
Foster, Mr., xv. 1168
  —xvi. 896, 995, 1289
  —xvii. 441
  —xviii. 203, 1278, 1281, 1348, 1396
Freemantle, Sir Thomas, xv. 226, 636, 637, 1007, 1020
  —xvi. 994, 1020, 1070, 1201
  —xvii. 150, 363, 681, 833, 1069
  —xviii. 372, 376
French, Mr., xvi. 746
  —xvii. 1131
Fryer, Mr., xv. 852, 1160
  —xvi. 297, 387, 879
  —xvii. 483
  —xviii. 964

Gaskell, Mr. Daniel, xvi. 1141
Gillon, Mr., xv. 208, 761, 950, 1190
  —xvi. 339, 367, 475, 567, 938, 1382
  —xvii. 47, 909, 1381
  —xviii. 1244, 1248, 1250
Gisborne, Mr., xv. 1298
  —xvi. 895, 1057
  —xvii. 91
  —xviii. 552, 830, 945, 986, 1090, 1320, 1386
Gladstone, Mr., xv. 1030
  —xvi. 298, 321
  —xvii. 1345
  —xviii. 230
Godson, Mr., xv. 974, 1178, 1180
  —xvii. 711, 1022, 1261
  —xviii. 204, 590, 612, 696, 1262
Gordon, Captain William, xvi. 567
Gordon, Mr. Robert, xvi. 994
  —xviii. 1163
Goring, Mr., xv. 1100
  —xvi. 630, 631
  —xviii. 915, 920
Goulburn, Mr., xv. 588, 624, 627, 659, 1009, 1231
  —xvi. 302, 323, 324, 326, 654, 1050, 1052
  —xvii. 44, 996, 967, 970, 1145, 1387, 1400,
  —xviii. 89, 93, 110, 454, 1012
Graham, Sir James, xv. 622, 666, 681 1152
  —xvi. 1019, 1021, 1056, 1059
  —xvii. 122, 123, 125, 126, 127, 128, 129, 132, 898
  —xviii. 514, 555
Grant, Mr. Charles, xv. 271, 633
  —xvi. 522
  —xviii. 43, 700, 756
Grant, Mr. Robert, xvi. 979, 985, 1146, 1347
  —xvii. 205, 206, 207, 992, 1334
  —xviii. 1251
Grattan, Mr. Henry, xv. 209, 524, 955, 1000, 1101, 1182
  —xvi. 61, 303, 405, 569, 577, 581, 582, 588, 599, 607, 627, 669, 747, 753, 775, 831, 975, 980, 987, 1151, 1158, 1160
  —xvii. 35, 882, 1400
  —xviii. 388, 449, 452, 453, 604, 643, 812, 1014, 1067, 1072, 1094
Grattan, Mr. James, xvi. 403, 457, 607, 751, 752, 764
  —xvii. 864, 1397
Green, Mr., xvi. 1001
Grey, Sir George, xvi. 35
  —xviii. 375, 695
Grosvenor, Lord Robert, xvi. 104, 115
  —xvii. 323
Grote, Mr., xv. 1122, 1241, 1292
  —xvi. 341, 343, 572
  —xvii. 416, 608, 667
  —xviii. 195, 998, 1093, 1389
Guest, Mr., xvi. 331, 1055

Halcombe, Mr., xvi. 1117, 1377
  —xvii. 238, 364, 371, 895
  —xviii. 42, 444, 445, 535, 572, 922, 1011, 1070, 1104, 1277, 1282
Halford, Mr., xvii. 907, 909
Hall, Mr., xv. 340, 1077, 1079
  —xvi. 676
  —xviii. 300
Halse, Mr., xv. 1184, 1186
Handley, Major Henry, xvi. 473, 1057
  —xvii. 56, 464, 682, 832, 955, 1377
  —xviii. 956, 972, 1348
Hanmer, Sir John, xvi. 1369
  —xviii. 302, 1103
Harcourt, Mr., xvi. 968, 970
Hardinge, Sir Henry, xvii. 202, 203, 724, 727, 952
  —xviii. 86, 400
Hardy, Mr., xv. 1293
  —xvii. 104, 152, 270, 603, 1335
  —xviii. 86, 801, 1097, 1186
Harland, Mr., xv. 619
Harvey, Mr., xv. 277, 617, 621, 625, 764, 871, 948, 1022, 1039, 1059, 1079, 1087, 1180, 1186
  —xvi. 40, 117, 464, 480, 545, 571, 575, 665 830, 959, 1020, 1070, 1113
  —xvii. 120, 193, 194, 253, 540, 699, 825, 879, 1027, 1265, 1274, 1276
  —xviii. 2, 11, 561, 823, 824, 1084
Hawes, Mr., xvi. 900, 990
  —xvii. 29, 134
  —xviii. 32, 909, 913, 1305, 1361
Hawkins, Mr., xv. 1183, 1185, 1187
  —xvi. 497
Hay, Sir John, xviii. 1245, 1247
Hay, Colonel Leith, xvii. 1265
  —xviii. 141, 999
Hayes, Sir Edmund, xvii. 1107
Heathcote, Mr. Gilbert, xv. 995
  —xvi. 20, 21, 1206
  —xvii. 782, 1364
  —xviii. 1003, 1237
Herries, Mr. xv. 838

—xvi. 388, 1017, 1019, 1059
—xviii. 546, 1399
Hill, Mr., xv. 205, 1032, 1036, 1119, 1194
—xvi. 6, 10, 17
—xvii. 175, 1068, 1268, 1335
—xviii. 526, 611, 619, 912
Hobhouse, Sir John, xv. 218, 392, 616, 668, 698, 1152
—xvi. 381, 382, 1167, 1184
—xvii. 195, 247
Hodges, Mr. T. L., xvi. 1338
—xvii. 712, 956
Hodgson, Mr., xv. 1191
—xvi. 724
—xvii. 1094
—xviii. 1002
Hope, Sir Alexander, xvi. 1232
—xviii. 1246
Hotham, Lord, xvi. 851
Howard, Mr. Philip, xv. 1105, 1110
—xvi. 377, 387, 775, 971, 1001
—xvii. 372, 1336
—xviii. 447, 1026
Howick, Viscount, xvi. 120
—xvii. 1231
—xviii. 337, 495, 541, 545, 594
Hoy, Mr. Barlow, xvi. 485, 1104
Hudson, Mr., xvi. 353
Hughes, Mr. xviii. 913, 1252
Hume, Mr., xv. 35, 80, 81, 136, 137, 227, 228, 229, 230, 292, 312, 324, 457, 480, 549, 619, 630, 632, 635, 648, 650, 660, 666, 668, 678, 710, 764, 765, 767, 768, 831, 833, 853, 871, 926, 949, 951, 990, 992, 993, 995, 1009, 1043, 1059, 1066, 1067, 1076, 1087, 1101, 1107, 1108, 1112, 1130, 1151, 1152, 1161, 1165, 1169, 1293
—xvi. 304, 320, 325, 328, 352, 358, 370, 379, 383, 386, 388, 390, 392, 405, 544, 565, 569, 571, 606, 619, 624, 661, 663, 667, 674, 698, 896, 900, 913, 990, 991, 1005, 1054, 1056, 1059, 1068, 1069, 1099, 1146, 1176, 1232, 1261, 1334, 1337, 1339
—xvii. 34, 44, 49, 67, 118, 119, 122, 123, 124, 125, 126, 129, 242, 251, 273, 281, 339, 539, 593, 604, 684, 712, 740, 741, 742, 743, 744, 776, 832, 887, 942, 950, 956, 968, 1029, 1063, 1067, 1101, 1104, 1105, 1106, 1109, 1148, 1264, 1356, 1378
—xviii. 10, 28, 29, 40, 198, 359, 376, 458, 500, 508, 517, 697, 785, 789, 811, 963, 970, 977, 983, 985, 986, 1080, 1135, 1136, 1147, 1148, 1238, 1244, 1249, 1281, 1352, 1408
Hurst, Mr., xviii. 913
Hutt, Mr., xvi. 8, 16, 21, 699, 901
—xvii. 73

Ingestre, Viscount, xvi. 870
Ingham, Mr., xv. 765, 767
—xvi. 976
Ingilby, Sir William, xvi. 906, 907, 909, 915, 918
—xvii. 629, 689, 832, 833
—xviii. 27
Inglis, Sir Robert, xv. 290, 291, 310, 578, 655, 1017
—xvi. 101, 304, 338, 375, 477, 478, 487, 659, 667, 994, 1393
—xvii. 115, 193, 206, 207, 221, 243, 281, 739, 968, 986, 1057, 1098, 1326, 1332, 1386, 1398, 1400
—xviii. 47, 360, 564, 594, 789, 827, 933, 945, 1014, 1097, 1141, 1241, 1251, 1252

James, Mr., xv. 1128
—xviii. 108, 447
Jermyn, Earl, xvi. 110
Jervis, Mr., xvii. 322, 323, 1106
—xviii. 40, 43, 302, 582, 920, 996, 1249
Johnston, Mr. Andrew, xv. 392, 1188, 1901
—xvi. 16, 291, 480, 568, 730, 967, 1233, 1348
—xvii. 47, 1108, 1157, 1336
—xviii. 977, 1246, 1253

Keane, Sir Richard, xv. 615
—xvi. 751
Kennedy, Mr., xvi. 568
—xviii. 1247
Keppel, Major, xvi. 583
Kerry, Earl of, xviii. 86
Key, Sir John, xvi. 450
—xvii. 758
Kinloch, Mr., xv. 530
King, Mr. Bolton, xvi. 22
Knatchbull, Sir Edward, xv. 1037, 1121, 1129
—xvi. 906, 907, 915, 1152, 1206
—xvii. 687, 1033
—xviii. 376, 455, 985, 1104

Labouchere, Mr., xv. 703
Lalor, Mr., xv. 206, 951, 954, 1098
—xvi. 402, 526, 527, 754
—xvii. 1335, 1376
Lamb, Mr., xv. 311, 1036, 1156
—xvi. 561, 564, 566, 588, 724, 726, 900
—xvii. 133, 134, 149, 264, 383, 1067, 1105, 1107, 1269, 1270, 1272
—xviii. 610, 614, 683, 810, 913, 914, 1130,
Lambert, Mr., xvi. 155, 618, 628, 629, 676, 743, 746, 755, 766, 1152, 1157
—xvii. 559
—xviii. 604, 622, 848
Lamont, Mr., xvi. 1261
Langdale, Mr., xv. 477, 1164
—xvi. 1245
—xviii. 1104
Langton, Mr. Gore, xv. 617
—xvii. 58
Leech, Colonel, xvii. 832
—xviii. 976
Lefroy, Mr. xv. 964
—xvi. 193, 202, 347, 480, 760, 1355
—xvii. 1010, 1112, 1276, 1334
—xviii. 390, 448, 841, 929

Lefroy, Mr. Anthony, xvii. 1402
—xviii. 658, 996, 1233

Lennard, Mr. xv. 770, 986, 1057, 1155, 1360
—xvi. 1205
—xvii. 51, 98, 156, 257, 592, 948, 956 1068
—xviii. 613, 621

Lennox, Lord George, xv. 678, 1132
—xvi. 392

Lennox, Lord William, xvi. 120

Lennox, Lord Arthur, xvi. 404
—xvii. 965

Lewis, Mr. Frankland, xvii. 1376
—xviii. 524, 1386, 1402

Littleton, Mr., xv. 51, 226, 227, 229, 621, 626, 659, 1008
—xvi. 5, 202, 303, 993, 1235
—xvii. 77
—xviii. (Secretary for Ireland), 814, 816, 835, 980, 1149, 1232, 1280, 1281

Lloyd, Mr., xv. 873
—xvi. 100
—xvii. 153, 167, 712
—xviii. 43, 617,

Lushington, Dr. xv. 389, 425, 559, 561, 791, 1022
—xvi. 659, 1142, 1148, 1353
—xvii. 103, 286, 645, 829, 1094, 1398
—xviii. 57, 457, 485, 920, 928, 1013, 1068, 1087, 1089, 1143, 1152

Lyall, Mr., xvii. 1082

Lynch, Mr., xvi. 515, 680, 754, 983
—xviii. 1003, 1147

Maberley, Colonel, xvii. 740, 743

Macaulay Mr., xv. 250, 1326
—xvi. 1383
—xviii. 544, 1083

Macleod, Mr., xvi. 21, 1234
—xviii. 603, 797

Macnamara, Major, xviii. 850

Mahon, Lord, xv. 1000, 1342
—xvi. 991

Marjoribanks, Mr., xviii. 752

Marryatt, Mr., xvii. 1346
—xviii. 515, 528

Marshall, Mr. xv. 147
—xvi. 368, 729
—xviii. 1000

Martin, Mr. John, xvii. 1268

Maxwell, Mr. John, xv. 999
—xvi. 369, 945
—xvii. 111, 605, 845
—xviii. 1246

Member, Hon. xv. 82, 230, 236, 392, 393, 479, 523, 616, 617, 873, 925, 925, 970, 1046, 1087, 1108, 1109, 1111, 1128, 1162, 1163, 1168, 1170, 1190, 1192, 1193, 1194, 1298
—xvi. 8, 9, 22, 113, 118, 290, 331, 383, 479, 481, 555, 556, 560, 625, 646, 746, 760, 771, 878, 999, 1000, 1059, 1203, 1337
—xvii. 30, 33, 57, 747, 748, 810, 1139, 1306
—xviii. 906, 1023

Methuen, Mr., xv., 74, 1296
—xvi. 582
—xvii. 585, 681, 746
—xviii. 1096, 1275

Mildmay, Sir John, xvii. 52
—xviii. 87

Molesworth, Sir William, xvii. 201, 727, 728

Molyneux, Lord, xvi. 971, 1002
—xvii. 84
—xviii. 553

Morpeth, Lord, xv. 45, 390, 393, 1014
—xvi. 508, 729, 899, 1141
—xvii. 99, 1022, 1040, 1265, 1331
—xviii. 396, 998, 1003

Morrison, Mr., xvi. 1340
—xvii. 75, 570

Mosely, Sir Oswald, xv. 696
—xvi. 897
—xvii. 113, 150, 1038
—xviii. 56, 1253

Murray, Mr., xv. 1293
—xvii. 372
—xviii. 836, 1009, 1012, 1104, 1247

Nagle, Sir R., xvi. 25

Newark, Lord, xvii. 1362

Nicholl, Mr., xvi. 644, 1068

O'Brien, Mr., xvi. 26

O'Connell, Mr., xv. 53, 79, 82, 139, 148, 149, 161, 162, 196, 204, 218, 224, 231, 232, 235, 244, 264, 291, 292, 310, 342, 343, 386, 392, 481, 522, 559, 560, 577, 623, 624, 627, 628, 629, 631, 635, 652, 658, 659, 660, 678, 769, 870, 873, 882, 883, 885, 886, 915, 916, 951, 954, 963, 973, 988, 995, 997, 1014, 1044, 1098, 1099, 1102, 1106, 1107, 1149, 1188, 1189, 1209, 1288, 1290, 1291, 1293, 1296, 1364
—xvi. 102, 177, 194, 200, 228, 253, 304, 317, 340, 344, 351, 352, 378, 382, 386, 396, 401, 404, 405, 472, 474, 479, 541, 558, 559, 568, 590, 601, 604, 605, 611, 614, 617, 619, 620, 623, 625, 628, 629, 630, 631, 632, 641, 644, 646, 647, 657, 664, 665, 668, 669, 671, 672, 676, 679, 689, 695, 697, 743, 744, 745, 747, 749, 751, 752, 754, 760, 768, 769, 770, 771, 772, 773, 774, 830, 834, 838, 839, 867, 883, 886, 888, 889, 891, 892, 893, 894, 975, 977, 984, 989, 1056, 1106, 1149, 1150, 1151, 1155, 1156, 1157, 1160, 1164, 1167, 1201, 1234, 1272, 1351
—xvii. 33, 34, 53, 75, 117, 121, 154, 194, 195, 196, 243, 244, 256, 338, 347, 350, 585, 595, 661, 687, 711, 747, 817, 871, 947, 957, 969, 1020, 1021, 1025, 1044, 1106, 1108, 1140, 1265, 1273, 1274, 1375, 1376
—xviii. 10, 39, 42, 95, 96, 197, 198, 307, 308, 388, 420, 447, 448, 449, 546, 567, 607, 612, 650, 651, 692, 693, 695, 815, 819, 906, 971, 1066, 1067, 1069, 1070, 1075, 1079, 1080, 1089, 1141, 1144, 1145, 1150,

1151, 1233, 1238, 1240, 1243, 1275, 1292, 1299, 1360
O'Connell, Mr. Maurice, xv. 432, 708, 924, 972
—xvi. 379, 481, 527, 631, 746, 1258
—xvii. 32
O'Connell, Mr. Morgan, xv. 522
—xvi. 295, 617
O'Connell, Mr. John, xv. 524
O'Connor, Mr. Fergus, xv. 452, 897, 954, 969, 996, 1058, 1107, 1188, 1346
—xvi. 19, 398, 471, 527, 586, 604, 682
—xvii. 1108, 1344, 1364
—xviii. 109, 452, 601, 643, 815, 825, 905, 913, 980, 995, 1024, 1093, 1284, 1294
O'Connor, Mr. Denis, xvi. 745
—xviii. 657
O'Dwyer, Mr., xv. 419, 424, 770, 922, 990, 1164, 1192
—xvi. 16, 23, 102, 185, 351, 405, 477, 566, 580, 603, 626, 671, 680, 754, 890, 980, 986, 1058, 1158
—xvii. 132, 194, 252
—xviii. 1354
O'Ferrall, Mr., xvi. 451, 615, 865
—xviii. 635, 816, 828, 850
Oliphant, Mr., xv. 948
O'Reilly, Mr., xv. 309, 615
Ormelie, Earl of, xv. 140
—xviii. 996
Oswald, Mr. James, xvi. 291, 471, 1002
—xviii. 1246
Oxmantown, Lord, xvi. 577
—xviii. 566, 572, 1065, 1072

Palmer, Mr. Fysche, xvii. 203, 258, 1034
—xviii. 1163
Palmer, Mr. Robert, xv. 311, 312, 762, 994
—xvi. 202, 917
—xvii. 351, 585, 679, 709, 1022
Palmerston, Lord, xv. 801, 818, 822
—xvi. 384, 625, 1135
—xvii. 61, 1100, 1102, 1104, 1371
—xviii. 304, 377, 435, 1252
Parker, Mr. xvi. 401
—xviii. 961, 1002
Parnell, Sir Henry, xvii. 954
—xviii. 1300, 1302, 1330
Parrott, Mr., xvii. 269, 692
Patten, Mr. Wilson, xvi. 640, 971, 972, 1001
—xvii. 79, 113
—xviii. 995
Pease, Mr., xv. 387, 1075, 1148, 1154
—xvi. 686, 687, 956, 1117
—xvii. 35, 200, 1063, 1067, 1069
—xviii. 43, 595, 974, 1008
Pechell, Sir John, xvi. 1044
Peel, Sir Robert, xv. 222, 228, 366, 598, 599, 600, 770, 822, 1005, 1041, 1074, 1086
—xvi. 77, 479, 482, 543, 551, 646, 650, 651, 664, 767, 768, 883, 887, 1052, 1053, 1059, 1119, 1120, 1129, 1134, 1135, 1137, 1149, 1204, 1335, 1339, 1342, 1399
—xvii. 36, 38, 39, 284, 333, 342, 350, 506, 509, 583, 663, 737, 739, 813, 894, 969, 994, 999, 1022, 1090, 1231, 1259, 1261, 1304
—xviii. 339, 360, 423, 456, 508, 607, 650, 660, 812, 1089, 1151, 1159, 1235, 1237, 1335, 1362, 1368, 1404
Peel, Colonel, xvi. 853
Perceval, Colonel, xv. 1002, 1048, 1049, 1146
—xvi. 216, 460, 485, 683, 754, 870
—xvii. 1108, 1266, 1268, 1397, 1402
—xviii. 660, 822, 952, 983, 1068, 1070, 1152, 1239, 1242
Perrin, Mr. xvi. 577, 622, 845
—xviii. 1239, 1240
Peter, Mr., xv. 405, 654
—xvi. 622, 623, 1264
—xvii. 631
Petre, Mr. xvi. 487, 900, 966
—xvii. 1159, 1266, 1335
—xviii. 58, 810
Philips, Mr. Mark, xv. 1164
—xvi. 290, 725, 1001
—xvii. 708
—xviii. 973, 999, 1397
Phillips, Sir George, xvi. 972
—xvii. 270, 648, 695
—xviii. 307, 1364, 1383
Philpotts, Mr., xvii. 607
Plumptre, Mr. xvi. 1058
—xvii. 978, 1327
—xviii. 58, 1253, 1271
Pollock, Mr., xv. 806, 822
—xvii. 1097
—xviii. 85
Portman, Mr., xv. 1049, 1058, 1144
Potter, Mr., xv. 758, 1057
—xvi. 330, 880, 966, 1001, 1204, 1233
—xvii. 156, 1033, 1035
—xviii. 587, 978, 1300
Poulter, Mr. xvi. 1199, 1240
—xvii. 239, 1328, 1401
—xviii. 607, 609, 928
Price, Sir Robert, xvi. 1058
Pryme, Mr., xv. 635, 771
—xvi. 657, 673, 761, 898, 901, 983, 1342, 1367
—xvii. 273, 1065
—xviii. 34, 578, 608, 800, 978, 981, 987, 989, 1000, 1002, 1011, 1012, 1069
Rice, Mr. Spring, xv. 499, 854, 1148, 1167
—xvi. 330, 385, 697, 698, 699, 894, 1069, 1140
—xvii. 78, 105, 115, 252, 931, 936
—xviii. 16, 23, 30, 40, 67
Richards, Mr., xv. 177, 178, 398, 519, 998, 1016
—xvi. 358, 402, 423, 1234
—xvii. 34, 846, 893
—xviii. 108, 553, 1294, 1333, 1388
Ridley, Sir Matthew White, xv. 616, 651, 767, 950, 1011
—xvi. 9, 645, 884
—xvii. 44, 122, 595, 684, 955, 1334

—xviii. 203, 458, 565, 1163, 1335

Rippon, Mr. Cuthbert, xv. 390
—xvii. 48, 1382

Robinson, Mr., xv. 237, 518, 671, 872, 1016, 1017, 1072, 1079, 1152, 1156
—xvi. 296, 297, 315, 327, 353, 361, 466, 467, 487, 568, 569, 573, 590, 641, 880, 960, 1000, 1017, 1056, 1068, 1072
—xvii. 102, 360, 533, 555, 716, 731, 788, 1099, 1100, 1373, 1384
—xviii. 10 39, 306, 407, 574, 1023, 1150, 1363, 1396

Roche, Mr. David, xv. 25, 588, 754
—xvi. 752, 981

Roche, Mr. William,* xvi. 447, 752, 981
—xvii. 195, 243, 254, 910
—xviii. 67, 568, 1297

Roe, Mr., xv. 1199, 1210

Roebuck, Mr., xv. 198, 200, 617, 688, 689, 988, 1111
—xvi. 472, 687, 688, 876, 878, 1340
—xvii. 204, 267, 268, 381, 909, 1112, 1269, 1270, 1328, 1385
—xviii. 28, 565, 679, 683, 810

Rolfe, Mr. xvi. 847
—xvii. 262

Romilly, Mr. John, xv. 1337
—xvi. 120
—xvii. 369, 1069

Ronayne, Mr., xv. 920
—xvi. 439
—xviii. 388, 544, 606, 657, 816, 848, 979, 1144, 1262

Rorke, Mr., xv. 404

Ross, Mr. Horatio, xv. 392
—xvi. 1055
—xvii. 90, 262

Rotch, Mr xv. 410, 1159
—xvi. 871, 884
—xvii. 67, 1068, 1335
—xviii. 620, 803

Russell, Lord John, xv. 161, 233, 238, 282, 292, 628, 630, 927, 1111, 1186, 1198
—xvi. 50, 118, 321, 322, 324, 482, 486, 538, 646, 657, 662, 1152, 1236, 1336, 1345, 1407
—xvii. 111, 155, 194, 288, 584, 713, 748, 827, 969, 1088
—xviii. 11, 38, 59, 90, 410, 435, 1094

Ruthven, Mr., xv. 393, 398, 594, 615, 629, 770, 873, 954, 955, 1098, 1182
—xvi. 8, 23, 215, 217, 218, 219, 329, 549, 572, 686, 889, 901, 989, 1251
—xvii. 204, 1106
—xviii. 108, 566, 603, 789, 809, 819, 912, 1233, 1242

Ruthven, Mr. Edward, xvi. 1272
—xviii. 841, 844

Sandon, Lord, xv. 1010, 1027, 1029, 1196
—xvi. 284, 291, 292, 293, 308, 321, 322, 485, 553, 643, 870, 882, 993, 999, 1203
—xvii. 255, 367, 750, 825, 891, 1009, 1397
—xviii. 318, 324, 325, 581, 650, 993, 997, 1009, 1091, 1398

Sanford, Mr. Ayshford, xv. 763
—xvi. 114, 387
—xvii. 155
—xviii. 34, 1001

Scale, Colonel, xvi. 117

Scarlett, Sir James, xv. 814
—xviii. 608

Scholefield, Mr. xvi. 944

Scrope, Mr. Poulett, xviii. 1314, 1354, 1399

Sebright, Sir John, xvi. 464, 465, 774
—xvii. 693

Sharpe, General, xviii. 1251

Shaw, Mr., xv. 435, 614, 1046
—xvi. 349, 478, 611, 616, 632, 655, 697, 747, 762, 767, 770, 855, 896, 900, 994, 1149, 1152, 1154, 1159, 1162, 1166, 1289, 1353
—xvii. 40, 41, 969, 970, 1032, 1106, 1158, 1275, 1276, 1335, 1395, 1398, 1399, 1400
—xviii. 99, 450, 451, 453, 571, 604, 607, 620, 621, 655, 661, 789, 817, 832, 909, 919, 934, 944, 954, 981, 982, 987, 988, 990, 1013, 1014, 1065, 1071, 1143, 1147, 1153, 1231, 1234, 1241

Sheil, Mr., xv. 264, 627, 696, 885, 902, 919, 920, 996, 1001, 1105, 1197, 1291, 1299, 1311, 1313
—xvi. 119, 293, 322, 383, 609, 626, 675, 697, 698, 748, 752, 765, 772, 773, 864, 979, 986, 1371
—xvii. 57
—xviii. 1152, 1157, 1238

Sheppard, Mr., xv. 1164

Sinclair, Mr. xvi. 394, 855
—xvii. 368, 686, 911, 1384
—xviii. 51, 811, 1253, 1260

Skipwith, Sir George, xvi. 23

Slaney, Mr., xv. 637, 763, 1049
—xvi. 481
—xvii. 362, 368, 596, 606, 682, 748, 881, 1032
—xviii. 109, 532, 1146

Smith, Mr. Vernon, xvi. 363

Smith, Mr. John, xvii. 576
—xviii. 196, 551, 1393

Solicitor General, xv. 79, 82, 217, 218, 231, 389, 628, 643, 655, 658, 810, 1155
—xvi. 290, 322, 341, 349, 403, 404, 646, 655, 670, 687, 698, 699, 767, 770, 772, 888, 889, 890, 892, 893, 963, 975, 976, 978, 983, 987, 1202, 1203, 1221
—xvii. 74, 119, 112, 164, 250, 259, 1032, 1069, 1083, 1087, 1270, 1274, 1401
—xviii. 39, 42, 45, 607, 608, 611, 688, 693, 785, 789, 1006, 1069, 1163, 1241

Somerset, Lord Granville, xviii. 79, 88

Spankie, Mr. Sergeant, xv. 768

---

* See Erratum, Vol. xvi.

—xvii. 812
—xviii. 27
Speaker, The, (the Right Hon. Charles Manners Sutton), xv. 73, 75, 82, 84, 85, 137, 139, 162, 178, 226, 342, 343, 387, 524, 530, 872, 882, 885, 990, 992, 993, 1035, 1042, 1049, 1131
—xvi. 110, 146, 202, 217, 218, 219, 292, 296, 302, 305, 338, 356, 391, 392, 395, 464, 466, 467, 555, 557, 559, 588, 660, 663, 724, 828, 877, 906, 909, 973, 974, 1068, 1071, 1140, 1240
—xvii. 29, 76, 78, 194, 206, 207, 372, 727, 770, 1020, 1022, 1038, 1264, 1270, 1281, 1323, 1324, 1325, 1348, 1376
—xviii. 87, 457, 555, 573, 606, 651, 683
Stanley, Mr., xv. 183, 231, 232, 244, 245, 324, 360, 424, 607, 885, 916, 919, 920, 953, 954, 955, 1099, 1103, 1107, 1149, 1201, 1250, 1288, 1311, 1313
—xvi. 605, 607, 608, 619, 623, 627, 632, 653, 664, 665, 678, 680, 689, 692, 697, 744, 749, 750, 752, 763, 765, 767, 769, 770, 771, 772, 773, 829, 832, 834, 838, 839, 859, 870, 887, 889, 890, 892, 975, 978, 990, 1149, 1151, 1156, 1161, 1165
—xvii. 195 (Secretary for the Colonies), 968, 979, 999, 1158, 1193, 1231, 1261, 1394
—xviii. 117, 132, 359, 497, 500, 503, 520, 537, 538, 545, 546, 547, 553, 584, 596, 597, 598, 644, 650, 817, 918, 919, 941, 982, 989, 1012, 1065, 1067, 1073, 1077, 1080, 1085, 1097, 1098, 1135, 1140, 1148, 1149, 1150, 1156, 1162, 1233, 1234, 1236, 1238, 1239, 1242
Stanley, Mr. John, xvi. 102, 366, 367, 479, 970, 973, 974
—xvii. 103
Stanley, Mr. Edward, xviii. 94
Staunton, Sir George, xvi. 997, 999
—xviii. 377, 698
Stewart, Mr. Patrick, xvii. 548
—xviii. 144, 494
Stewart, Mr. Robert, xv. 309, 1087
—xvi. 370
—xviii. 1244
Stewart, Sir Michael Shaw, xviii. 1293
Stewart, Mr. Edward, xv. 924
—xviii. 79
Stewart, Mr. John, xvi. 328, 388
Stormont, Lord, xv. 619, 1082
—xvii. 584
—xviii. 306, 1253
Strickland, Mr., xv. 392, 703, 1294
—xvi. 287, 330, 470, 640, 878
—xvii. 1033, 1056, 1160
—xviii. 537, 617, 911, 999, 1007
Strutt, Mr., xvii. 553
Stuart, Sir Michael Shaw, xvi. 901
Sullivan, Mr. xvi. 404
—xvii. 250

Talbot, Mr. James, xvi. 521, 746, 747
—xviii. 838
Talbot, Mr. John, xviii. 569
Tancred, Mr., xv. 341, 343
—xvi. 415
—xviii. 223
Tayleure, Mr. xvi. 844
Tennent, Mr. Emerson, xv. 454
—xvi. 158, 394, 396, 991
—xviii. 100, 1295
Tennyson, Mr., xv. 60, 244, 245, 455, 1227
—xvi. 676
—xvii. 730, 831
—xviii. 32, 903, 1000, 1006, 1360
Thompson, Mr. Alderman, xvii. 359, 1074
—xviii. 1402, 1408
Thomson, Mr. Poulett, xv. 1072
—xvi. 288, 319, 1107
—xvii. 124, 444,* 748, 897
—xviii. 374, 1363, 1374, 1403
Tooke, Mr., xv. 654, 1165
—xvi. 960
—xviii. 28, 36, 44, 1163, 1252
Torrens, Colonel, xv. 412, 951, 969, 1112
—xvi. 338, 339, 383, 683, 1100
—xvii. 540, 842
—xviii. 203, 1306, 1397
Trevor, Mr. xvi. 376
—xvii. 78
Troubridge, Sir Thomas, xviii. 512
Tynte, Mr. Charles Kemyss, xv. 617, 1160
—xvi. 482, 1222
—xvii. 369
—xviii. 94
Tyrell, Sir John, xv. 1148
—xvi. 1272
—xvii. 31, 33, 686, 813, 1039, 1268

Verner, Colonel, xvi. 351, 1146, 1283
—xviii. 845
Verney, Sir Harry, xvi. 116, 117, 1249
—xviii. 1025
Vernon, Mr. Granville Harcourt, xvii. 1153
Vigors, Mr. xvi. 297, 299
Vincent, Sir Francis, xvi. 487, 1147, 1207
Vivian, Sir Hussey, xviii. 390, 558, 637, 840, 1297
Vyvyan, Sir Richard, xv. 651, 828, 1046
—xvii. 1262, 1264
—xviii. 34, 109, 112, 117

Walker, Mr., xv. 448
—xvi. 103, 891
—xvii. 1108
—xviii. 849
Wallace, Mr., xv. 648, 650
—xvii. 1108
—xviii. 45, 994, 1243, 1247, 1299
Waller, Mr., xv. 430, 1159
Walter, Mr., xv. 993

---

* A corrected Report of this Speech is given in an appendix.

—xvi. 1104
—xvii. 567
—xviii. 1277

Warburton, Mr., xv. 70, 78, 136, 218, 226, 232, 234, 389, 633, 762, 873, 951, 988, 995, 1010, 1020, 1021, 1030, 1045, 1084, 1126
—xvi. 200, 304, 327, 342, 374, 463, 481, 542, 544, 565, 569, 590, 642, 757, 761, 766, 852, 888, 890, 897, 899, 901, 902, 914, 956, 995, 1004, 1091, 1184
—xvii. 47, 272, 697, 747, 1326
—xviii. 33, 35, 38, 40, 999, 1012, 1069, 1237, 1362, 1384

Ward, Mr. xv. 479, 542
—xvi. 178, 672, 1253, 1263
—xvii. 1398
—xviii. 28, 88, 89, 840

Warre, Mr., xv. 595, 761
—xvi. 1380
—xvii. 947

Wason, Mr. Rigby, xv. 234, 1028, 1029
—xvi. 201, 316, 324, 343, 541, 544, 643, 897, 1151, 1204
—xvii. 682, 1335
—xviii. 40, 87, 457, 531, 591, 598, 977, 1009

Whalley, Sir Samuel, xvi. 1243, 1336, 1340
—xvii. 255, 347, 819
—xviii. 11, 32, 798, 1144

Whitmore, Mr. Wolryche, xv. 1167
—xvi. 303, 326, 883
—xvii. 479, 1349
—xviii. 594, 975

Wilbraham, Mr., xvi. 109, 641, 972, 1238
—xvii. 322, 323, 1036

Wilks, Mr., xv. 226, 228, 310, 311, 759, 951 1146, 1190
—xvi. 6, 9, 200, 394, 473, 480, 724, 972, 1139, 1209
—xvii. 74
—xviii. 904, 961, 1262

Williams, George, (Colonel) xv. 680
—xvi. 295, 322, 338, 339, 645, 725, 384, 981
—xvii. 271

Willoughby, Sir Henry, xvi. 319, 550
—xvii. 469
—xviii. 88, 1097, 1139, 1399

Wilmot, Sir Eardley, xvi. 578, 580
—xvii. 148, 156, 698

Wood, Mr. Alderman, xv. 1114
—xvi. 414, 725, 726
—xvii. 767
—xviii. 16

Wood, Colonel xvi. 289, 1140
—xvii. 35, 260, 272, 811, 1025, 1372, 1398
—xviii. 971

Wood, Mr. Charles, xvii. 32

Wood, Mr. G. William, xvii. 27, 100

Wrottesley, Sir John, 111, 115
—xvi. 320, 544, 905, 946, 994
—xvii. 573, 686, 733, 785
—xviii. 1364, 1394

Wynn, Mr., xv. 227, 230, 231, 233, 235, 476, 639, 882, 1012, 1020, 1021, 1157
—xvi. 106, 114, 303, 342, 343, 383, 545, 557, 559, 642, 644, 647, 767, 855, 886, 1070, 1071, 1151, 1184, 1284, 1290
—xvii. 40, 94, 166, 371, 966, 967, 1010, 1155, 1334, 1396, 1398
—xviii. 41, 83, 101, 571, 741, 984, 990

Wynn, Sir Watkins, xvi. 218
—xvii. 322

York, Captain, xv. 454, 692, 704
—xvi. 891, 1041
—xviii. 418, 558

Young, Mr. G. F., xv. 1077
—xvi. 331, 671, 946, 1056, 1252
—xvii. 134, 747, 749, 959, 1068, 1079

Young, Mr. John, xvi. 1246
—xviii. 922

FINIS.

T. C. Hansard, Printer,
32, Paternoster-row, London.